



# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Meeting Notice and Agenda Town Council

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Thursday, January 9, 2020

3:00 PM

Council Chambers

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### 1. CALL TO ORDER / ROLL CALL

*Notice is hereby given that members of the Town Council will attend either in person or by telephone conference call, pursuant to A.R.S. §38-431(4).*

### 2. STUDY SESSION ITEMS

*The Study Session is open to the public however the following items are scheduled for discussion only. The Town Council will be briefed by staff and other Town representatives. There will be no votes and no final action taken on discussion items. The Council may give direction to staff and request that items be scheduled for consideration and final action at a later date. The order of discussion items and the estimated time scheduled to hear each item are subject to change.*

#### [20-023](#)

#### **Town Hall Remodel: Ribbon Cutting Ceremony 20 Minutes**

**Staff Contact:**

Jason Harris, Capital Projects Administrator, 480-348-3622

#### [20-030](#)

#### **Census 2020 Update 20 Minutes**

**Staff Contact:**

Jill Keimach, 480-348-3690

#### [20-013](#)

#### **Discussion of Public Streets Pavement Condition Index (PCI) 20 Minutes**

**Staff Contact:**

Brent Skoglund, Public Works Director 480 348-3540  
Jerry Cooper, Public Works Superintendent 480 348-3589

#### [20-026](#)

#### **Discussion with Land Use Committee Members 90 Minutes**

**Staff Contact:**

Jill B. Keimach, Town Manager, 480-348-3690

### 3. EXECUTIVE SESSION

- [20-028](#) Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4).
- [20-029](#) Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations with Lincoln Plaza Medical Center as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03(A)(3.)
- [20-027](#) Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4).
- [20-001](#) The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).

**4. BREAK****5. RECONVENE FOR REGULAR MEETING 6:00 PM****6. ROLL CALL****7. PLEDGE OF ALLEGIANCE\*****8. PRESENTATIONS\*****20-008 Public Safety Personnel Retirement System Board Annual Update**

**Staff Contact:** Jill B. Keimach, Town Manager, 480-348-3690

**20-009 Hillside Building Committee Update**

**Staff Contact:** Hugo Vasquez, Hillside Development Administrator, 480-348-3528

**9. CALL TO THE PUBLIC**

*Citizens may address the Council on any matter not on the agenda. In conformance with Open Meeting Laws, Council may not discuss or take action on this matter at this Council meeting, but may respond to criticism, ask that staff review a matter raised, or ask that it be placed on a future agenda. Those making comments shall limit their remarks to three (3) minutes. Please fill out a Speaker Request form prior to addressing the Council.*

**10. CONSENT AGENDA**

*All items on the Consent Agenda are considered by the Town Council to be routine and will be enacted by a single motion. There will be no separate discussion of these items. If a member of the Council or public desires discussion on any item it will be removed from the Consent Agenda and considered separately. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

**20-002 Minutes of Town Council Meeting December 5, 2019****20-007 Approval of a Lot Line Adjustment Request on Five Star Area C - Located at 7000 E. Lincoln Drive**

**Recommendation:** Approve the Five Star Development lot line adjustment request for Area C Lots 35-37.

**Staff Contact:** George Burton, Senior Planner, 480-348-3525

**11. PUBLIC HEARINGS**

*The Town Council may hear public comments and take action on any of these items. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

## 12. ACTION ITEMS

*The Town Council May Take Action on This Item. Citizens may address the Council regarding any or all of these items. Those making comments are limited to three (3) minutes. Speakers may not yield their time to others. Please fill out a Speaker Request form prior to the start of the meeting and indicate which item you would like to address.*

### 20-014

**Implement the FY2019-20 Pavement Maintenance Program by Approving the Funds from Budget Line Item 20-40-871 Pavement Maintenance Program to M.R. Tanner in the amount of \$1,599,526.10**

**Recommendation:** Award the following funds to M.R. Tanner in the amount of **\$1,599,526.10** for a full mill and 1½ asphalt overlay in Maintenance Districts 5 and 13 and to crack seal and apply Polymer Modified Master Seal (PMM) in Maintenance Districts 7 & 8.

**Staff Contact:** Brent Skoglund, Public Works Director 480 348-3540  
Jerry Cooper, Public Works Superintendent 480 348-3589

### 20-011

**Adoption of Ordinance No. 2019-12, Amending Chapter 10, Offenses, by adding Article 10-14, adding a registration requirement by the property owner(s) of short-term rental properties and other related regulations.**

**Recommendation:** Adopt Ordinance Number 2019-12.

**Staff Contact:** Andrew Miller, Town Attorney, 480-348-3691

### 20-004

**Election of Vice Mayor**

**Recommendation:** Elect a Council Member to serve as vice mayor for calendar year 2020.

**Staff Contact:** Jill B. Keimach, Town Manager

## 13. FUTURE AGENDA ITEMS

*The Town Council May Take Action on This Item. The Mayor or Town Manager will present the long range meeting agenda schedule and announce major topics for the following meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon concurrence of three more Members, which may include the Mayor, the item shall be added to the list of future agenda items and scheduled by the Town Manager as a future agenda item within 60 days.*

### 20-025

**Consideration of Requests for Future Agenda Items**

**Recommendation:** Review the current list of pending agenda topics.

**Staff Contact:** Jill B. Keimach, Town Manager, 480-348-3690

## 14. MAYOR / COUNCIL / MANAGER COMMENTS

*The Mayor, Council or Town Manager may provide a summary of current events. In conformance with Open Meeting Laws, Council may not have discussion or take action at this Council meeting on any matter discussed during the summary.*

**15. STUDY SESSION CONTINUED****20-022****Discussion on the Designation of State Funding for Public Transit Programs****15 Minutes****Staff Contact:**

Douglas Allen, CFO, 480-348-3696

**20-024****Discussion on Amending Town code to Clarify Offices and Transaction Approvals****15 Minutes****Staff Contact:**

Douglas Allen

**16. ADJOURN***AGENDA IS SUBJECT TO CHANGE*

*Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to the Town Council of the Town of Paradise Valley that a quorum of Council Members may go to the Rita's Kitchen, Camelback Inn, 5402 E Lincoln Drive following the Town Council meeting. No policy matters will be discussed and no legal action will be taken.*

*\*Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recording. Parents in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.*

*The Town of Paradise Valley endeavors to make all public meetings accessible to persons with disabilities. With 72 hours advance notice, special assistance can also be provided for disabled persons at public meetings. Please call 480-948-7411 (voice) or 480-483-1811 (TDD) to request accommodation to participate in the Town Council meeting.*



## Action Report

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**File #:** 20-023

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Paul Mood, Town Engineer  
Jason Harris, Capital Projects Administrator

**DATE:** January 9, 2020

**DEPARTMENT:** Engineering

**AGENDA TITLE:**  
Town Hall Remodel: Ribbon Cutting Ceremony

**SUMMARY STATEMENT:**  
Ceremony to be held by the Mayor and Town Council to recognize the design team, contractor, and town staff for their participation in the recently completed Town Hall Remodel.

**BUDGETARY IMPACT:**  
There is no budgetary impact.

**ATTACHMENT(S):**  
None



## Action Report

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**File #:** 20-030

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Sarah Meland, Executive Assistant

**DATE:** January 9, 2020

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Census 2020 Update

**SUMMARY STATEMENT:**

The decennial Federal Census is scheduled for April 1, 2020. This presentation will update the Mayor and Council on what the Town has done and will do to promote the Census and to educate Paradise Valley citizens on why and how they should respond.

**ATTACHMENT(S):**  
PowerPoint



# Census 2020

## Paradise Valley Counts

Study Session  
January 9, 2020

# General Information



The Census counts every person who resides in a household as of April 1, 2020



Census invitations will be mailed starting in mid-March



Responses can be made online, by phone, or by mail



If there is no response from a household by April 30<sup>th</sup>, census takers will visit in person

# The Town's Role in the Census

- Promote
- Educate
- Encourage Participation



Our Efforts Have Begun and Will Ramp Up As We Get  
Closer to April 2020

# Promote



WEBSITE



TOWN  
REPORTER



INDEPENDENT  
ARTICLE



MONITORS AT  
TOWN HALL



SOCIAL MEDIA



EVENTS

# Educate

- Mandated by the U.S. Constitution
- Fair Representation/Redistricting
- Critical Data for Decision Making
- Distribution of Federal and State Funds
  - Municipal Services
  - Education
- Civic Duty



The Census Benefits Paradise Valley

# Participation



Encourage Everyone to Respond to the Census

Online  
By Phone  
By Mail



Encourage Everyone to Respond Accurately

Report Anyone Residing in the Household as of April 1<sup>st</sup>



Assure Everyone that Their Data is Protected

Census Workers Take an Oath to Protect Your Data for Life  
By Law, Your Responses Cannot Be Used Against You

# How You Can Help?

When Opportunities Arise

Promote

Educate

Encourage  
Participation

Let Me Know What Information or Materials You Need to  
Promote and Educate

A black and white photograph of a mountainous landscape. In the foreground, there is a dense, dark forest covering a hillside. In the middle ground, a valley opens up, showing a small town or village with several buildings. The background features rolling hills and mountains under a clear sky. The word "Questions?" is superimposed in the center of the image.

Questions?



## Action Report

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**File #:** 20-013

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**TO:** Mayor Jerry Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Brent Skoglund, Public Works Director  
Jerry Cooper, Public Works Superintendent

**DATE:** January 9th, 2020

**DEPARTMENT:**  
Public Works Department

**STAFF CONTACT:**  
Jerry Cooper, Public Works Superintendent 480 348-3589

**AGENDA TITLE:**  
**Discussion of Public Streets Pavement Condition Index (PCI)**

**SUMMARY STATEMENT:**

The Town of Paradise Valley contracts with Infrastructure Management Services (IMS) to conduct detailed assessments of the condition of public streets in Town. These assessments, known as the Pavement Condition Index (PCI), are numerical ratings based on the type and severity of damage observed on the pavement surface. The PCI value is represented by a numerical score between 0 and 100, where 0 is the worst possible condition and 100 is the best possible condition. The Town uses PCI data to establish the rate of deterioration of pavement sections and identify rehabilitation needs.

During the Study Session, Zac Thomason, Director of Client Services for (IMS), will explain the (PCI) rating system and present the pavement condition results from the pavement study conducted in June of 2019. The PCI is a helpful tool in determining the return on investment for the annual budget, for the Pavement Management Program.

# State of the Roadway Network in Paradise Valley



# IMS

Infrastructure Management Services

Zac Thomason, M.B.A., Director of Client Services  
IMS Infrastructure Management Services

# ***Purpose of This Presentation***

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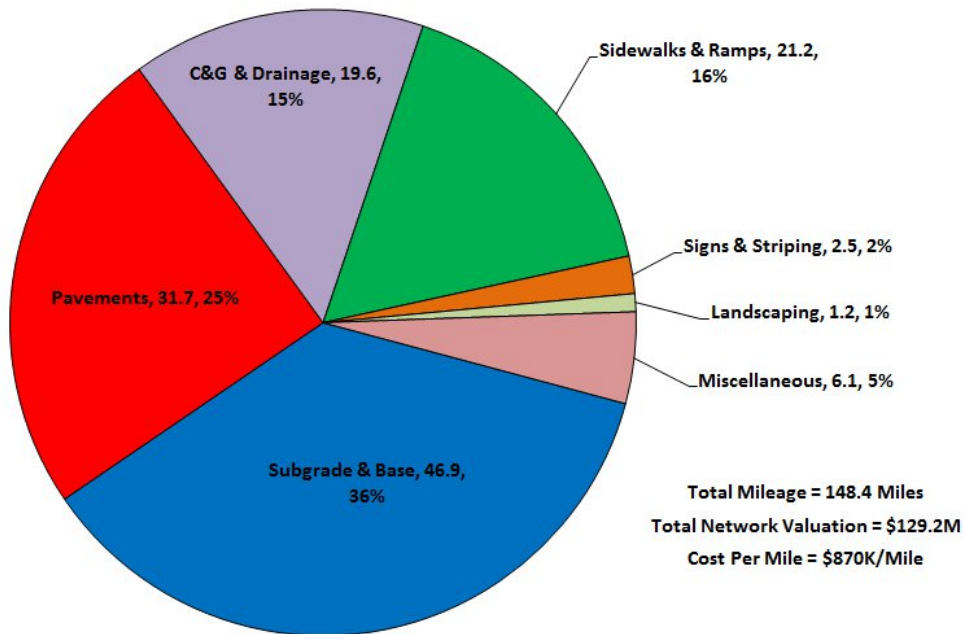
- ☐ ***June 2019 Pavement Condition Index (PCI) Results***
- ☐ ***Town Pavement Management Strategy***
- ☐ ***Understanding Current PCI Ratings***
- ☐ ***Reviewing Town Funding Models***



# Scale of Investment ...

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Town of Paradise Valley, AZ  
Network Valuation



*~14,293 people*

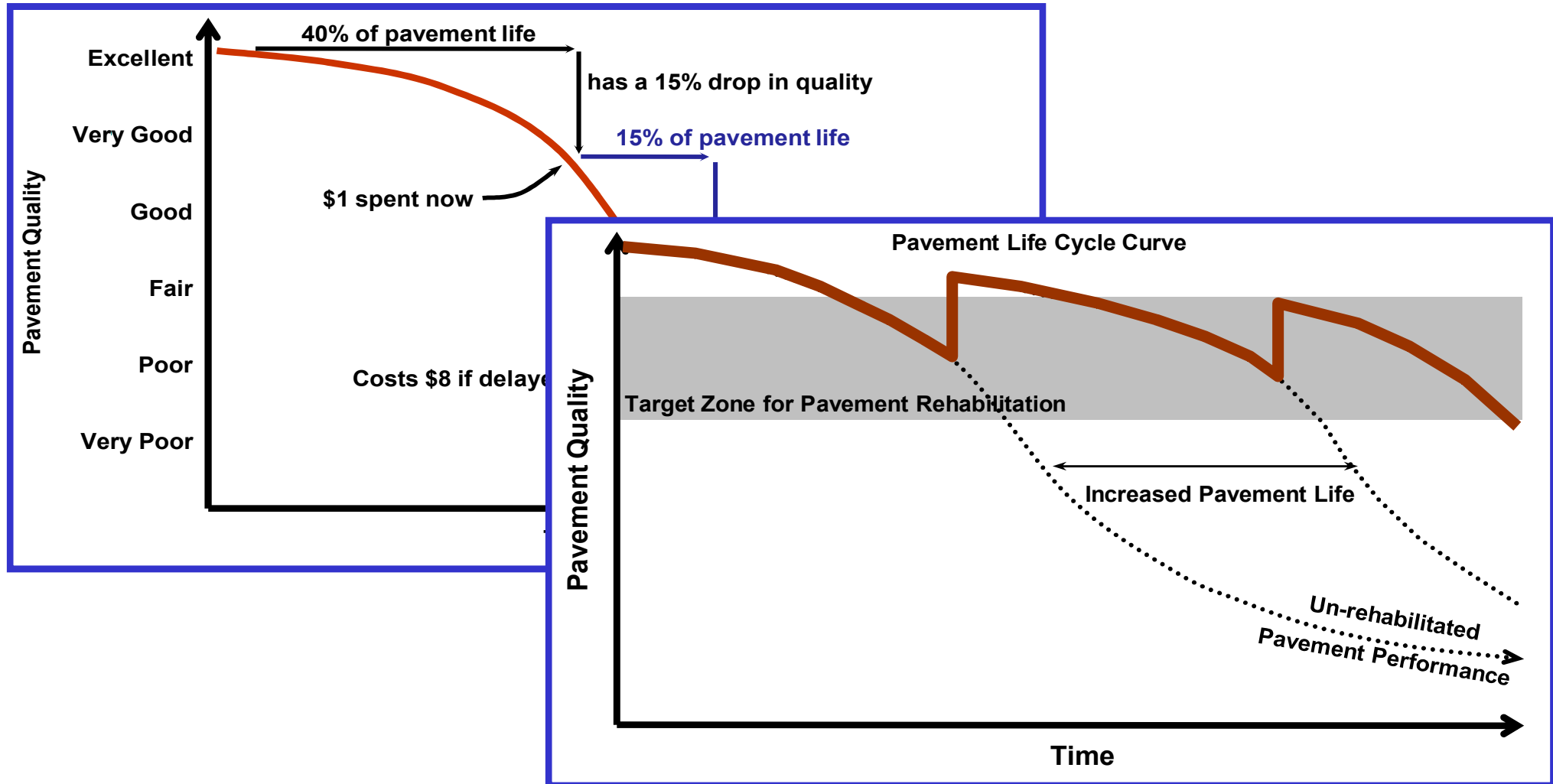
*~148 CL miles of Town owned roadways  
2.6M square yards of pavement*

*Single largest Town asset valued at  
\$870K/mile or \$129M total plus  
improvements and ROW*

*(not including the value of land, bridges, sidewalks, etc.)*

*Early look at the condition score:  
PCI = 77 (Very Good)  
Back log = 0.2% (target  $\leq 10\%$ )*

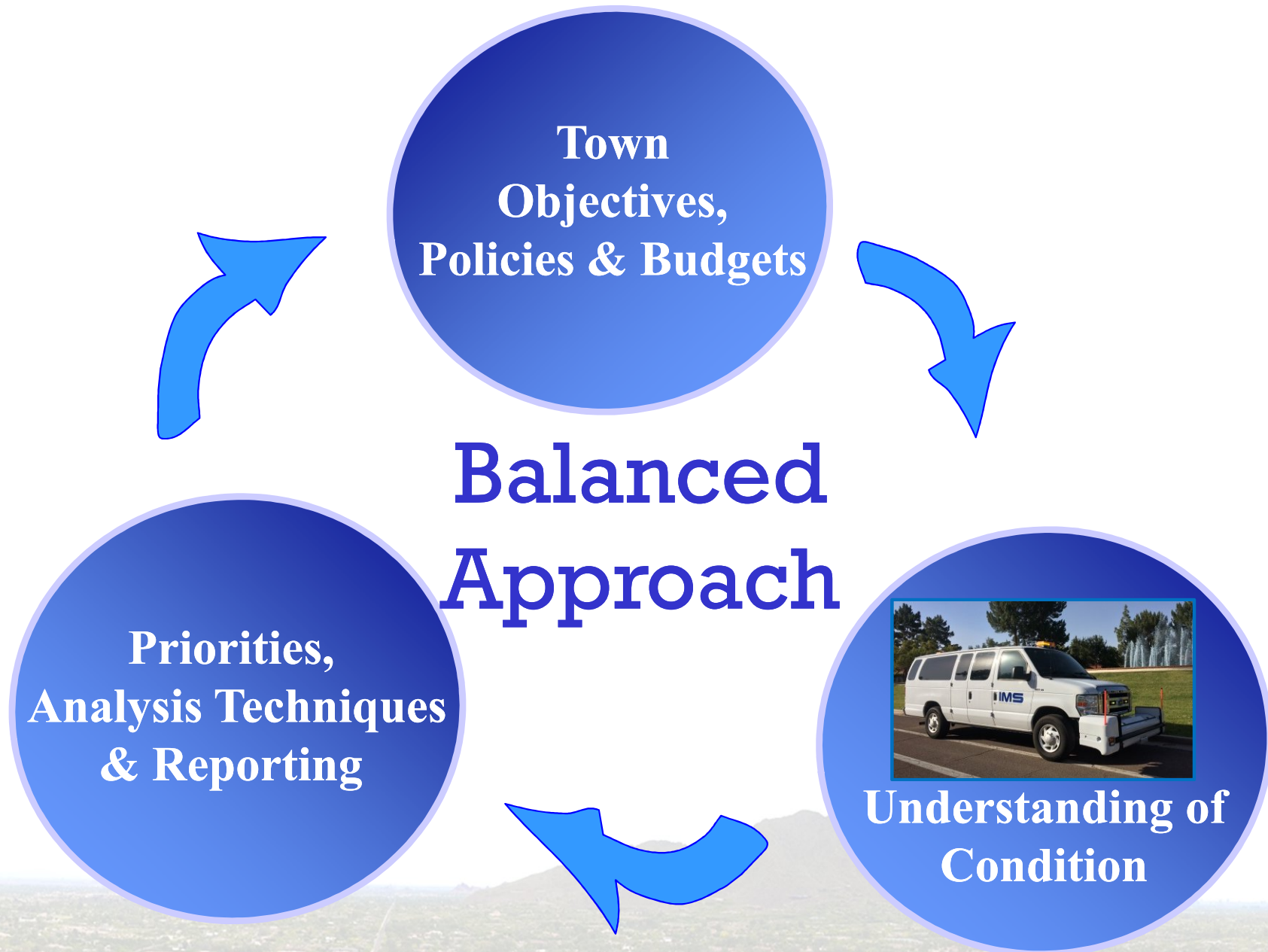
# Why do Pavement Management?



A pavement management system is a set of tools or methods that assist decision makers in finding optimum strategies for providing and maintaining pavements in a serviceable condition over a given time period

# ***Concept of Pavement Management ...***

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# ***Tools to Rate the Streets – Objective Surveys ...***



## **Condition Focuses On:**

*Roughness*  
*Wheel Path Rutting*  
*Alligator Cracking*  
*Longitudinal Cracking*  
*Transverse Cracking*  
*Distortions*  
*Bleeding*  
*Weathering/Raveling*  
*Patching & Potholes*

# ***Understanding the PCI....Very Poor (0 – 25)***

GISID: 9621

Image: CASA030\_004679\_0008\_CF.jpg

AGUA DEL ORO CIR



**Base &/or Structural Failures**

**Rutting**

**Excessive Cracking**

*(Not a Paradise Valley road)*

**Past point of overlay based  
rehabilitation.**

**Rehabs often driven by citizen  
complaints.**

CF IMS

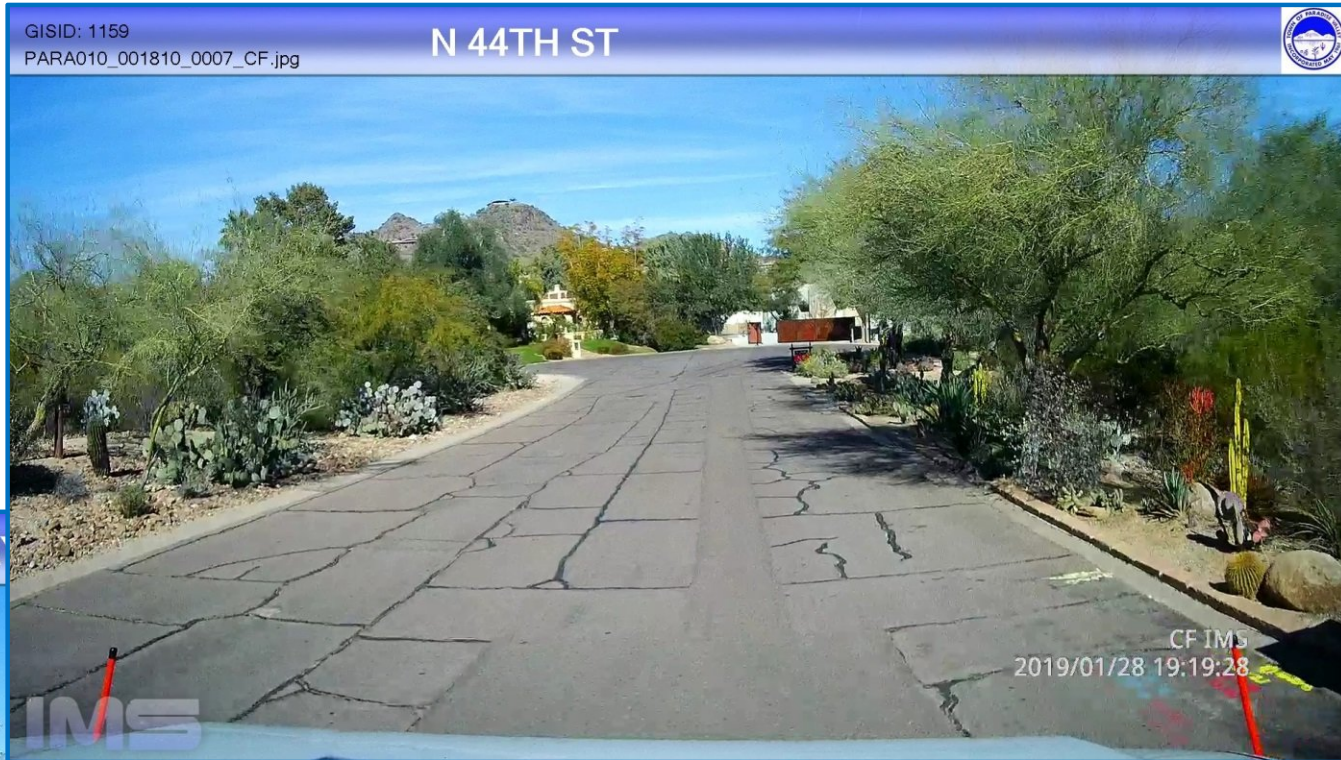
2018/03/30 21:52:23

**Safety becomes a concern at very  
low PCI.**

IMS

# ***Understanding the PCI ... Poor to Marginal (25 – 50)***

**Localized base failures  
Rutting at intersections  
Extensive cracking  
Extensive patching**



GISID: 5744  
PARA004\_000630\_0018\_CF.jpg

E ARABIAN WAY



**Tired streets due for a  
thicker overlay, possibly a surface removal  
and replacement on ACP roads.**

**Critical roads in this category are a high  
priority to avoid reconstruction**

**Less than 5% of PV road network falls  
into these categories**

# ***Understanding the PCI ... Fair (50 – 60)***

GISID: 5459

PARA004\_000649\_0012\_CF.jpg

E BERNEIL DR



**Progressive cracking**  
**Few base failures**  
**Localized distresses**

**Optimum timing for thin – moderate overlay.**

**Many benefits to selecting these streets: early lower cost – greater return, less grinding**

**A little less than 10% of the PV road network falls into this category**

CF IMS  
2019/01/24 22:28:26



# ***Understanding the PCI ... Good (60 – 70)***

GISID: 5415

PARA006\_000920\_0001\_CF.jpg

E VIA LOS CABALLOS



## **Few localized distresses** **Minimal base failures**

If distressed due to loading on ACP roads, may need thin overlay, otherwise crack seal and surface treat (micro seal, PMM).

30% of the PV road network falls into the Good category

## **Greatest cost benefit:**

Thinner strategies  
Less crown build-up  
Less intrusive rehab



CF IMS  
2019/01/25 21:19:25

IMS

# ***Understanding the PCI ... Very Good (70 – 85)***

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GISID: 3908

PARA002\_000221\_0011\_CF.jpg

E MAVERICK RD



**Very few distresses**  
**No rutting**  
**No base failures**

**Crack seal with surface treatment on asphalt roads.**

**Extends pavement life at lowest cost**

**Approximately 28% of the PV network falls into the Very Good category**

CF IMS  
2019/01/23 20:51:07

IMS

# ***Understanding the PCI ... Excellent (85 – 100)***

GISID: 6056

PARA011\_001863\_0041\_CF.jpg

N PARADISE VIEW DR



**Like new condition**  
**Very few minor distresses**  
**Smooth ride**

**Should provide 3 to 5 years  
prior to first rehabilitation with  
routine maintenance**

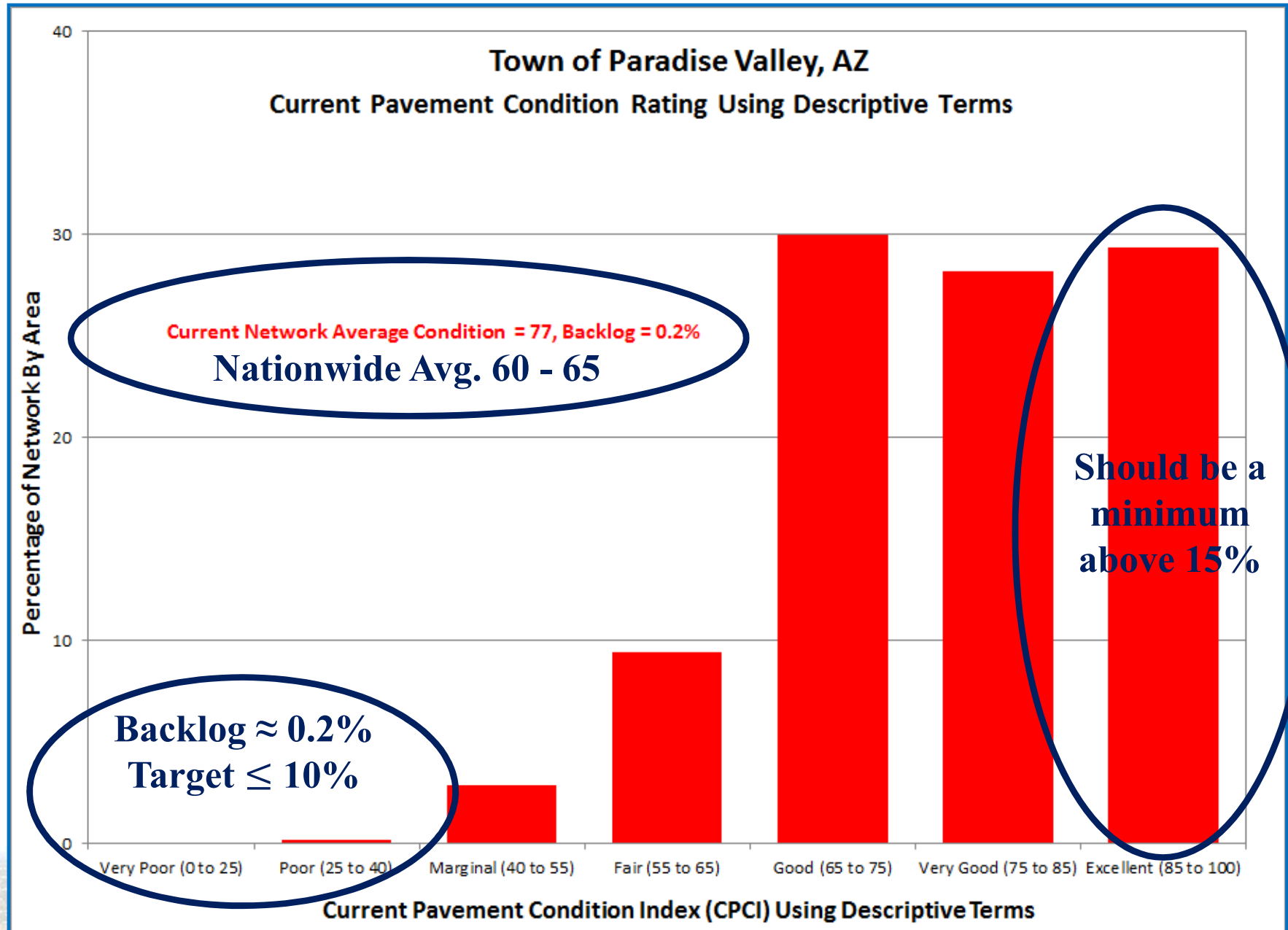
**29% of the PV road network  
falls into the Excellent category**

CF IMS

2019/01/28 20:35:14

IMS

# ***Paradise Valley Results ... 3 metrics of health***

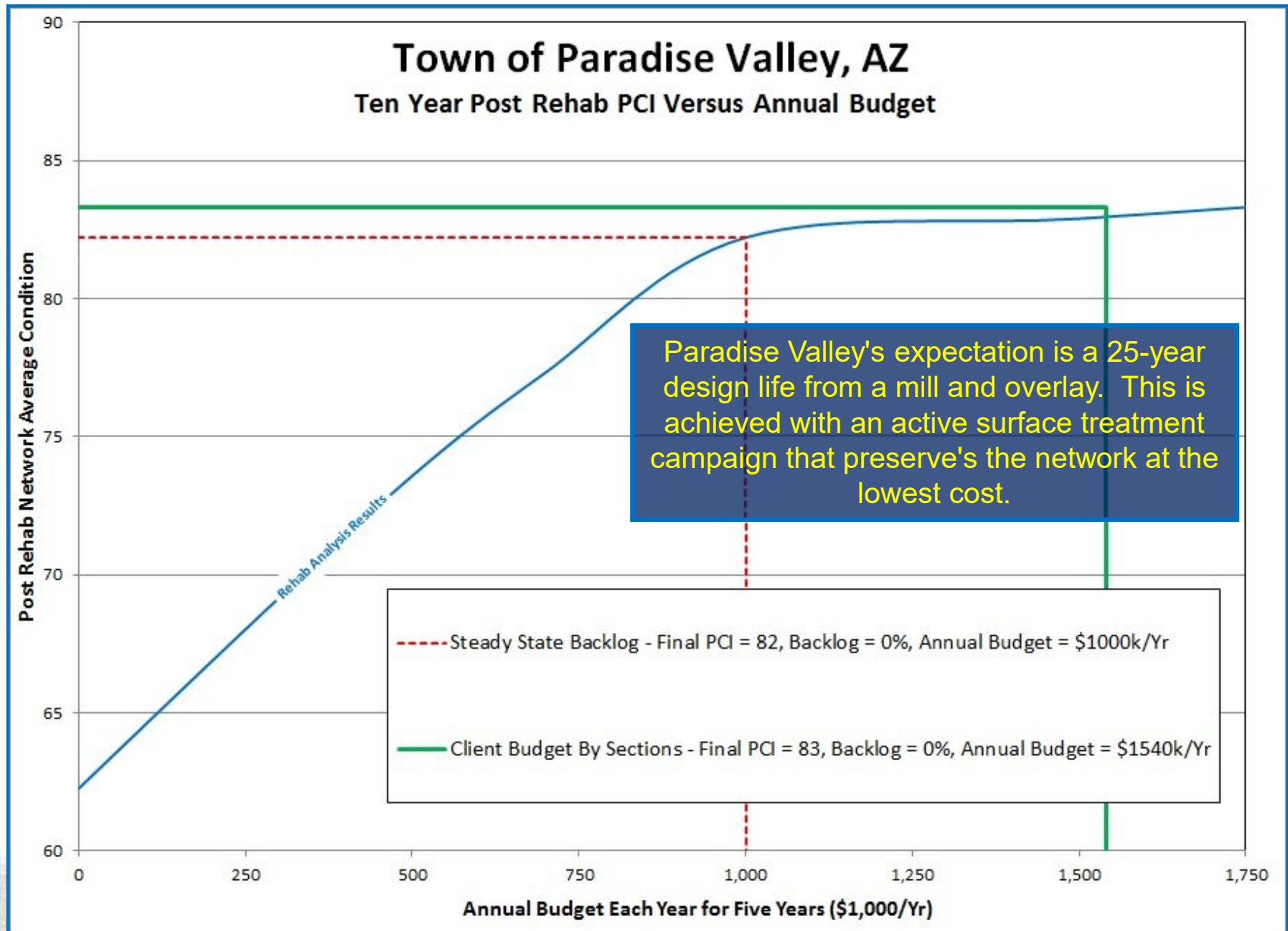


# ***Town of Paradise Valley Methodology ...***

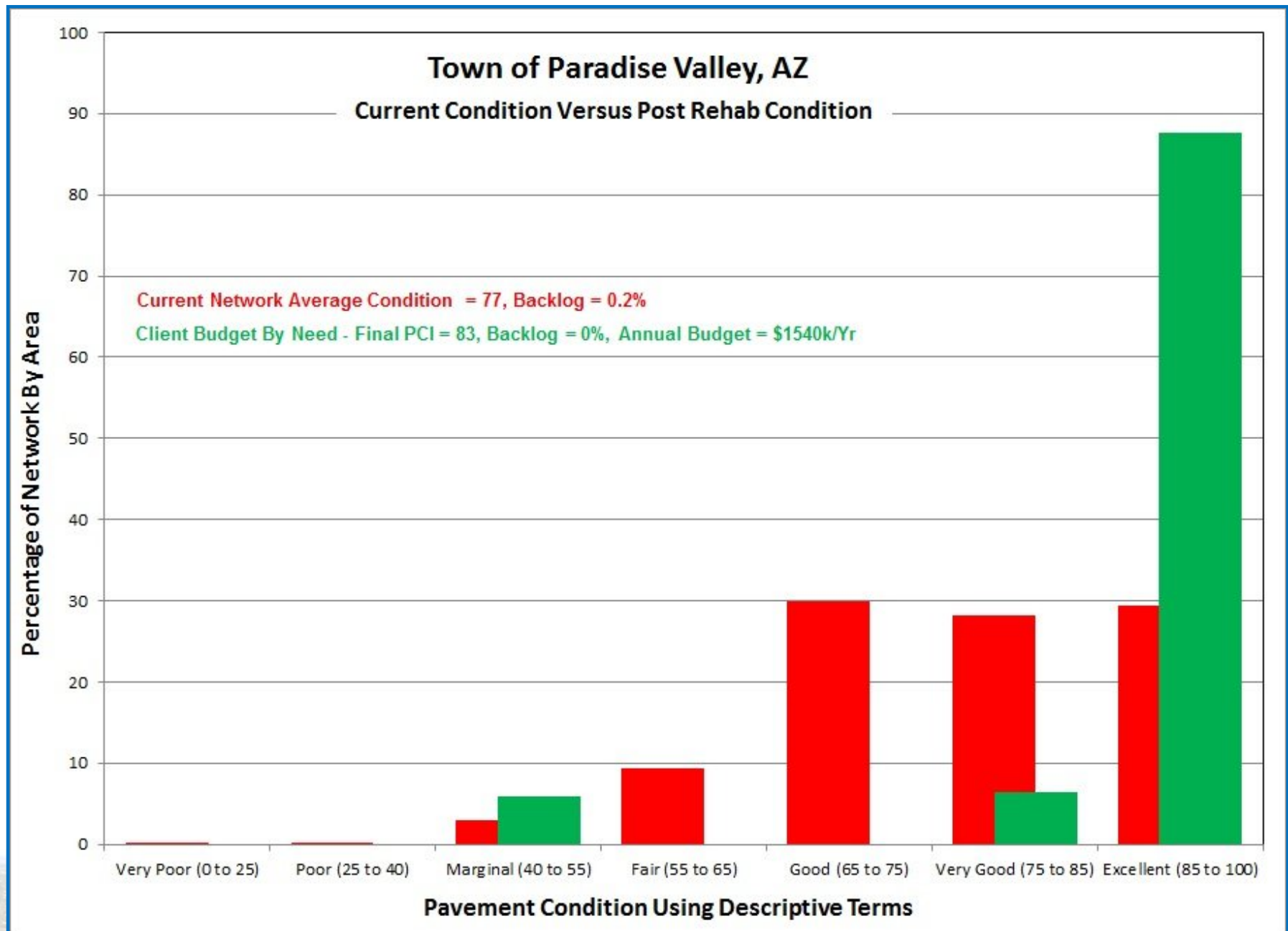
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1. Funding is not \$0, nor is it unlimited
2. Paradise Valley places a value on its roadway network  
*Arterials – Collectors – Locals*
3. Identify annual budget to maintain current PCI & Backlog
  4. Examine effects of current funding levels
  5. Prevent deterioration in pavement quality
  6. ADA compliance not included
  7. No cost inflation
8. Pavement management is priority based, not worst-first

# Post Rehab PCI & Annual Funding ...



# ***Post Rehab PCI & Annual Funding ...***



# ***Town of Paradise Valley Summary ...***

- 1. At a minimum maintain PCI at or above 77 with a backlog below 5% for entire roadway network.**
- 2. The Town's planned budget of \$1.54M annually will result in a network PCI of 83 and backlog of 0% over the next 10 years.**
- 3. Less than 1 in 20 municipalities we survey will score above a network average PCI score of 80.**
- 4. This Town's annual investment has put the town of PV's roadways in the top 10% of agencies across the nation.**
- 5. Public Works reviews rehabilitation strategies on an annual basis to maximize the service life of roadways.**
- 6. Steady – effective rehabilitation and maintenance on an annual basis will continue to save the Town money over deferred maintenance.**
- 7. Town should resurvey their streets every 5-years to update the condition data, budget models, and rehab program.**

# Questions? ...

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## Action Report

**File #:** 20-026

**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager

**DATE:** January 9, 2020

**DEPARTMENT:** Town Manager

**CONTACT:**

**AGENDA TITLE:**  
Discussion with Land Use Committee Members

### SUMMARY STATEMENT:

In preparation for the Town Council's Planning Retreat at the end of January, the Mayor and Council will meet with each member of the Town's land-use committees (Planning Commission, Board of Adjustment, and Hillside Building Committee).

Individual "check-in" meetings have been scheduled on January 9 and January 23 as follows:

### January 9, 2020

4:00	Emily Kile	Board of Adjustment
4:10	Quinn Williams	Board of Adjustment
4:20	Thomas Campbell	Planning Commission
4:35	Pamela Georgelos	Planning Commission
4:45	Charles Covington	Planning Commission
4:55	Orme Lewis	Planning Commission
5:10	Daran Wastchak	Planning Commission
5:20	Jonathan Wainwright	Planning Commission

### January 23, 2020

4:00	Jon Newman	Board of Adjustment
4:10	Hope Ozer	Board of Adjustment
4:20	Rohan Sahani	Board of Adjustment
4:35	Scott Tonn	Hillside Committee
4:45	Scott Jarson	Hillside Committee
4:55	Eric Leibsohn	Board of Adjustment
5:10	Rick Chambliss	Board of Adjustment

**ATTACHMENT(S):**

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**File #:** 20-026

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None



## Action Report

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**File #:** 20-028

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Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Super Bowl Host Committee as authorized by A.R.S. §38 431.03(A)(4).



## Action Report

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**File #:** 20-029

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Discussion or consultation with the Town Attorney to consider the Town's position regarding Development Agreement negotiations with Lincoln Plaza Medical Center as authorized by A.R.S. §38 431.03(A)(4) and/or legal advice regarding the development area as authorized by A.R.S. §38 431.03 (A)(3.)



## Action Report

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**File #:** 20-027

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Discussion or consultation with the Town Attorney to consider the Town's position regarding contract negotiations with Experience Scottsdale as authorized by A.R.S. §38 431.03(A)(4).



## Action Report

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**File #:** 20-001

---

**The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**



## Action Report

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**File #:** 20-008

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager

**DATE:** January 9, 2020

**DEPARTMENT:** Town Manager

**CONTACT:**

**AGENDA TITLE:**

**Public Safety Personnel Retirement System Board Annual Update**

**SUMMARY STATEMENT:**

Over the last several years, Town's various volunteer committees have provided annual updates to the Town Council. Public Safety Personnel Retirement System Board Chair Jameson Van Houten will present the annual update on the Board's activities.

**ATTACHMENT(S):**

Annual Update Presentation

**TOWN OF PARADISE VALLEY**

# Public Safety Personnel Retirement System (PSPRS) Board Update

January 9, 2020



# A g e n d a

Role of the Board

Current Work

Continuous Improvement

Results

Unfunded Liability

Asks of Council



# Role of the Board

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Volunteer Board required by state law

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Jurisdiction of sworn police officers (not staff)

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Administers several duties of state law; mainly eligibility for plan membership and benefits

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Meets quarterly and as needed

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Does not administer investments in fund



# Local Board Responsibility

## Education

- Convey updates and clarification from PSPRS through Town Management and the Chief of Police
  - Employees, Retirees, Employers, Elected Officials

## Legal

- Administer the Law

## Fiscal

- Award appropriate retirement benefits



## Two primary duties:

New  
Hires

- Review medical records of new police hires to determine pre-existing conditions

Current  
Officers

- Review claims by a current officer for various disabilities, to determine if current reason for disability is related to a pre-existing conditions
- Disabled Officer still meets requirements of disability (new)



## Local PSPRS Board members:

Chair  
(appointed)

Jameson Van Houten

Appointed

Fernando Iacona

Appointed

Keith Wong

Elected

Michael Horn

Elected

Raja Karim

(State law requires both elected and appointed members, on four year staggered terms)



# Local PSPRS Staff:

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Secretary

Sarah Zumbo

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Human  
Resources  
Manager

Jinnett Hancock

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Counsel

Pam Treadwell-Rubin

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## Current Work

- Continuing to Approve Officers applying for appropriate Pension Benefits & DROP
- Evaluating Disability Claims
- More Detailed Process to Approve
- Monitoring Past Disabilities



# Implemented Thorough Process & Procedures

- Hired Law Firm
  - Dramatically helped our procedures and effectiveness
  - Works with AZ PSPRS when uncertain
- While implemented more rigorous approach, also added more humanity at times
- Work together and with Officers
  - Medical Records limited or not thorough
    - Especially if longer than a few years
    - Delays in obtaining
- Recently brought Officer in front of committee
  - Explained our purpose and not wanting further delays to decision
  - Officer clarified past history; enabled us to approve him that day!



# Implemented Thorough Process & Procedures (continued)

- More thorough process for officers to obtain PSPRS disability
- Monitoring Past/Ongoing Disabilities
- Implemented Annual IMEs
  - Ensure Disabled Officers Still Meet the Disability Requirements
  - Previously Never Done



Strongly Encouraged  
HR & Police to  
Implement Increased  
Disability Prevention  
Techniques

- On-Duty Injury Abatement

- Know the problem
  - Review of past 10-years injuries
- Design the solution
  - Online training
  - Inservice training
    - Dynamic training
    - Conflict resolution training
  - Uniform modifications



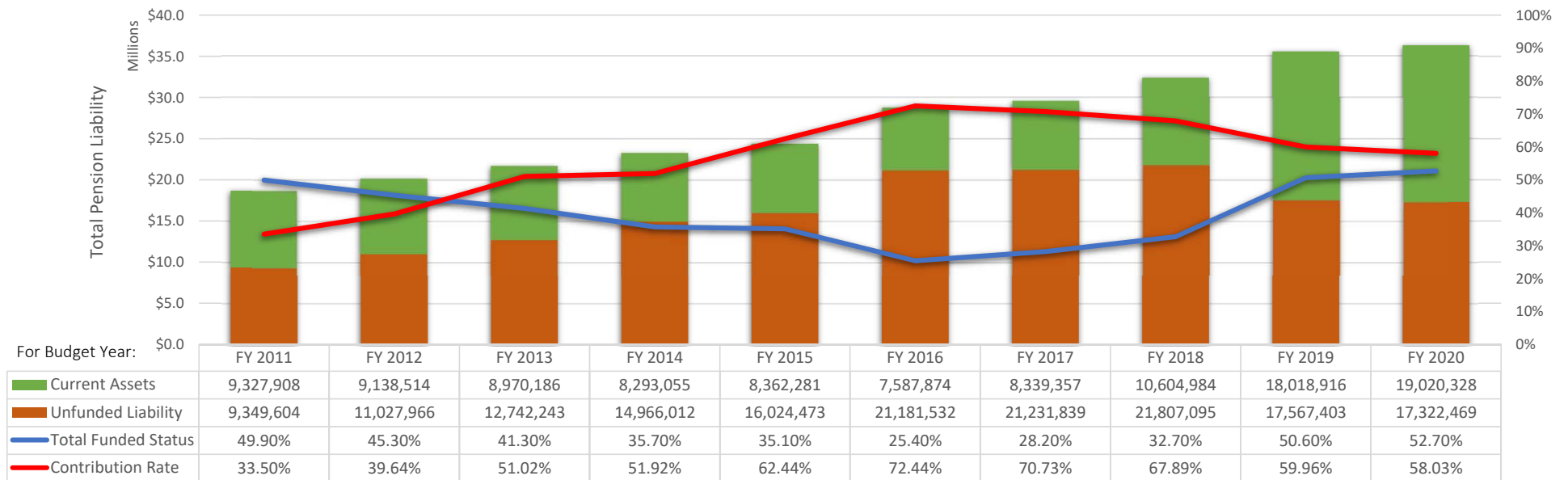
# Overall Results

- Provides deterrents for those attempting to take advantage of the system
- Enables viability of funds to be used for those officers that truly have Disabilities
- Provided Path for Future
  - On track for significantly less disabilities in foreseeable future
- Dramatically Impacted Town's fiscal circumstances for years to come!



# Unfunded Liability

## Town of Paradise Valley PSPRS Pension Liability



# Asks of Council

- More Awareness of the Council and Its Important Mission
- Administrative Consistency & Support
- Adding Town Clerk role to Committee
  - Assistant Secretary for Public Records Compliance



# Questions/Discussion





## Action Report

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**File #:** 20-009

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Jeremy Knapp, Community Development Director  
Paul Mood, Town Engineer  
Hugo Vasquez, Hillside Development Administrator

**DATE:** January 9, 2020

**DEPARTMENT:** Engineering

**AGENDA TITLE:**  
Hillside Building Committee Update

**SUMMARY STATEMENT:**

Over the last several years, the Hillside Building Committee and other Council-appointed bodies provide annual updates to the Town Council. The Hillside Building Committee update will be given by the Chairperson, Scott Jarson. This update reviews the role and mission of the Hillside Building Committee, identifies its members, provides a brief review of accomplishments for the year, and is an opportunity for the Hillside Building Committee to bring up any needs and/or concerns to the Town Council.

**ATTACHMENT(S):**  
PowerPoint Presentation

# **TOWN OF PARADISE VALLEY**

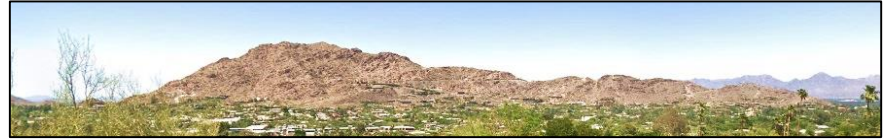
## Hillside Building Committee Update

Scott Jarson, Chair  
January 9, 2020

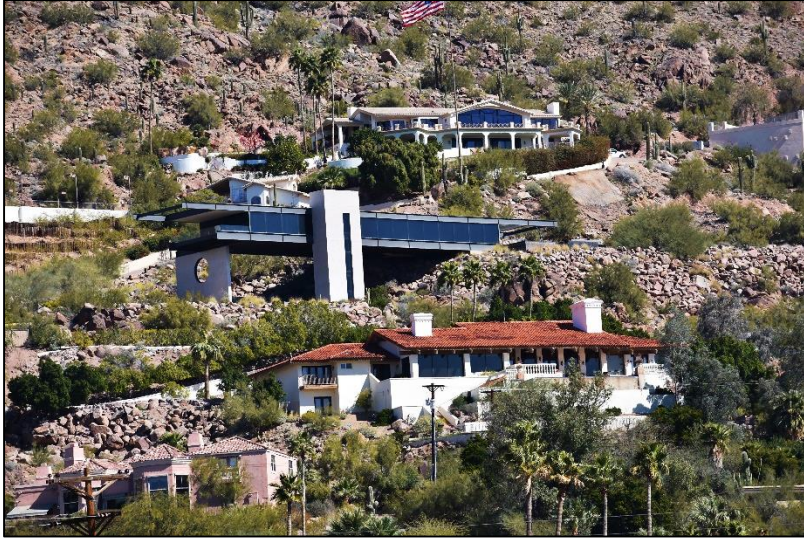


# Our Mountains Make Us Unique

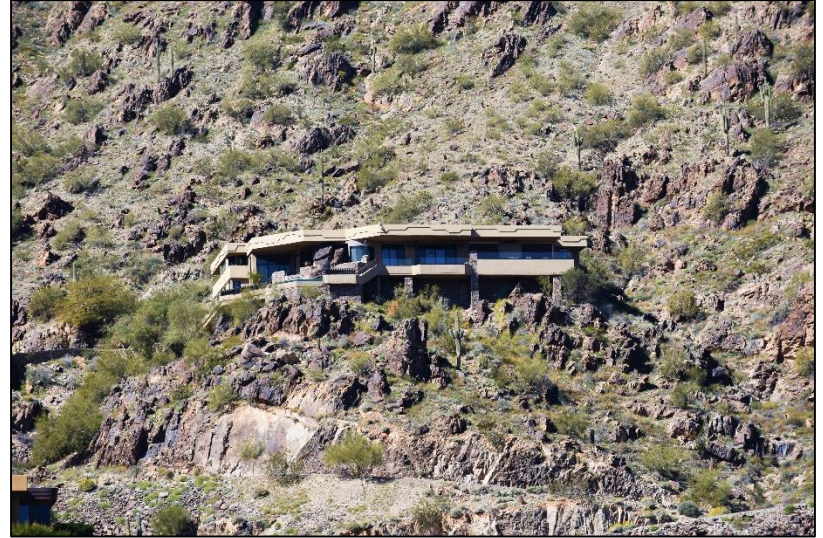
- Camelback Mountain
- Mummy Mountain
- Phoenix Mountains
- Valuable scenic resources
- Shape our sense of place
- Contribute to the Town's identity
- An intrinsic value to the Town
- Define the location and character of the Town
- Therefore they require unique development standards



# Hillside – City of Phoenix (Camelback Mountain)

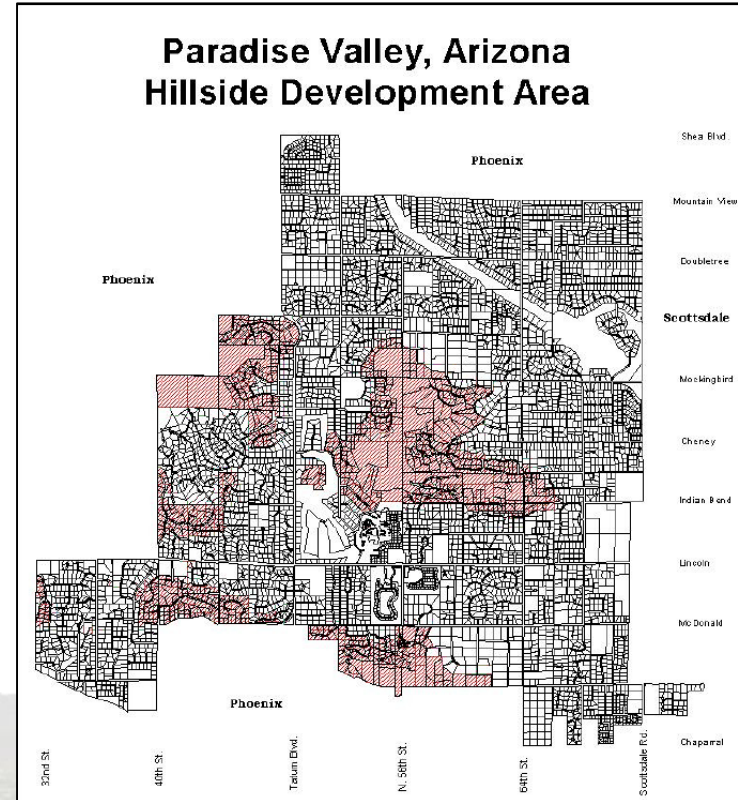


# Hillside – Paradise Valley (Mummy Mountain)



# Hillside Development Regulations

- Approximately 6,800 parcels in Town
- Approximately 1,000 parcels are designated Hillside
- 15% of lots in Town are Hillside



# Hillside Development Regulations

## Purpose

Hillside Ordinance (Chapter XXII) exists to establish provisions to:

- Regulate the intensity of development
- Preserve and protect the hillside environment
- Provide for the safety and welfare of the Town and its residents
- Establish rules and procedures for review by the Hillside Building Committee of Hillside development, building and construction plans

## Mission

The Hillside Committee is a code compliance committee

Section 2-5-6 of Town Code: The Committee shall review applications for building permits in a Hillside Development Area, as defined under the Zoning Ordinance of the Town



# Hillside Development Administrator

Staff liaison to Hillside Building Committee

Position created July 2018

- Handles application process
- Provides pre-application meetings
- Reviews Hillside Safety Improvement Plans with Town Engineer
- Reviews plans for compliance with Hillside Development Regulations
- Creates Hillside Building Committee Reports
- Organizes Hillside Building Committee Meetings



# Hillside Building Committee Members

Consists of two (2) Citizen Members and three (3) rotating Planning Commissioners with four (4) month terms:

- Chair, Citizen Member - Scott Jarson
- Citizen Member - Scott Tonn
- Planning Commissioner - Charles Covington
- Planning Commissioner - Daran Wastchak
- Planning Commissioner - James Anton
- Planning Commissioner - Jonathan Wainwright
- Planning Commissioner - Orme Lewis
- Planning Commissioner - Pamela Georgelos
- Planning Commissioner - Thomas Campbell



# Hillside Review Process

## Six (6) Types of Hillside Reviews:

### Staff Review

- Small modifications (paint, similar materials, etc.)

### Administrative Chair Review

- Minor improvements (additions up to 100 SF, walls up to 15 LF, minor lighting and landscaping, etc.)

### Conceptual Review

- “Part One” of a major project
- New Single Family Residences (SFR) and Major Remodel/Additions

### Formal Review

- “Part Two” of a major project
- New Single Family Residences (SFR) and Major Remodel/Additions

### Combined Review

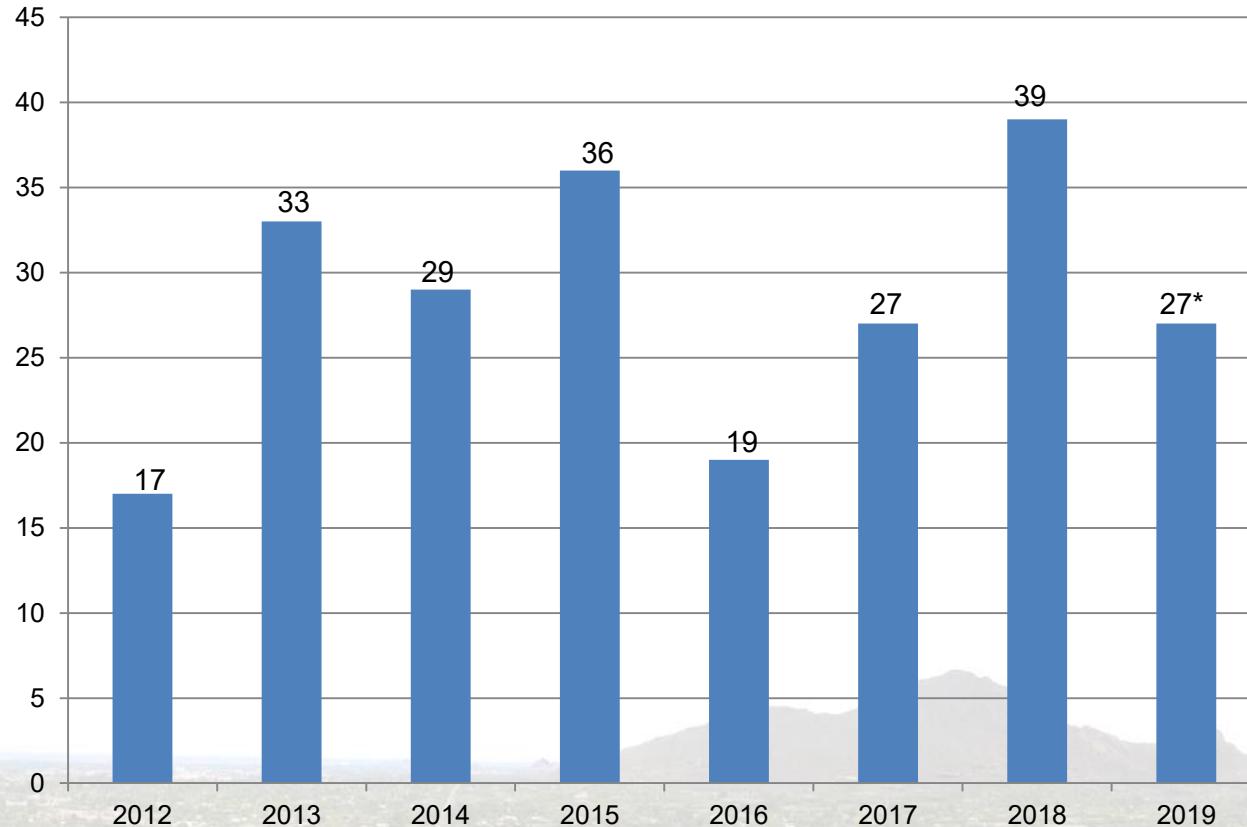
- Small Remodel/Additions outside of Administrative Chair Review

### Combined Solar Review

- Solar applications only



# Hillside Committee Reviews



Excludes Administrative  
Chair and Staff Reviews

2019 Committee Reviews



# Hillside Committee 2018 Reviews

Review Type	Quantity	Details		
Concept Review	2	2 – New SFR		
Formal Review	5	4 – New SFR 1 – Major Remodel		
Combined Review	17	8 – Minor Remodel 2 – Addition	7 – Other	
Solar Combined Review	3	3 – Solar		
Total	27			



# Proposed Hillside Brochure

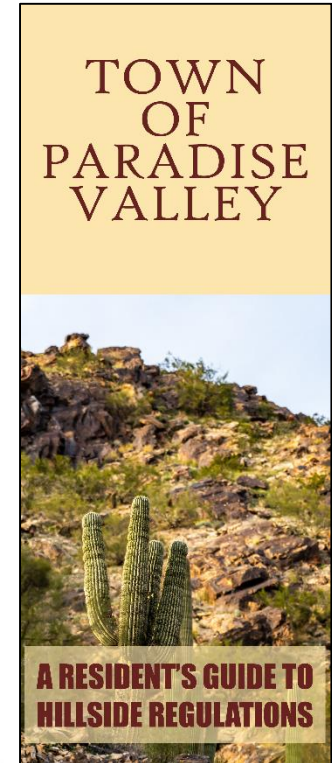
Provide awareness to Residents on Hillside properties

- Is my property in Hillside?
- What regulations govern Hillside properties?
- What improvements need Hillside approval?
- What colors can I paint my house/roof?
- Are there lighting restrictions?

To be included on Hillside webpage

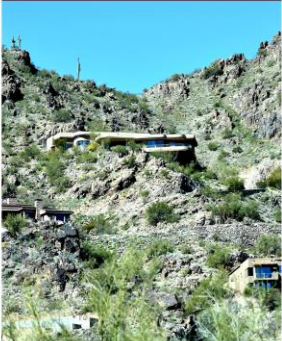
Provide with new resident welcome package

Mail out annually to all Hillside properties




# Proposed Hillside Brochure

**RESIDENTIAL DEVELOPMENT**  
If you are planning a new home, addition or other construction on a Hillside property, or if you have any general Hillside questions, please contact the Hillside Development Administrator.



**CODE VIOLATIONS**  
If you see a Hillside property that may be actively creating a code violation, please contact the Hillside Development Administrator.

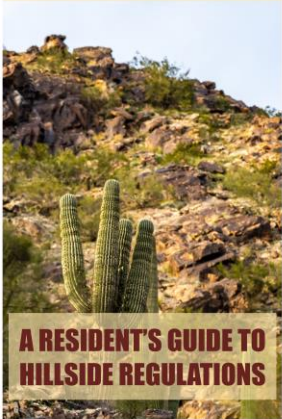
**CONTACT US**  
[www.pvhillside.com](http://www.pvhillside.com)  
Engineering Department  
Hugo Vasquez  
Hillside Development Administrator  
(Monday-Friday, 7 AM to 4 PM)  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253  
480.348.3528  
[hillside@paradisevalleyaz.gov](mailto:hillside@paradisevalleyaz.gov)



Town of Paradise Valley  
6401 E. Lincoln Drive  
Paradise Valley, AZ 85253

Type address here or use Mail Merge to  
insert a list of addresses from a data source.  
To use Mail Merge, click on the address field to  
insert a list of addresses from a data source to multiple  
recipients.

**TOWN  
OF  
PARADISE  
VALLEY**



**A RESIDENT'S GUIDE TO  
HILLSIDE REGULATIONS**



# Proposed Hillside Brochure

## HILLSIDE DEVELOPMENT IS IMPORTANT

In an effort to preserve the beauty of the natural mountains and to protect Town residents, the Town of Paradise Valley developed regulations in 1984 for properties located in the Town's mountain ranges. To find out if you are part of the Hillside Development Area, please visit the website below or contact the Town Engineering Department.

[www.pvhillside.com](http://www.pvhillside.com)

## HILLSIDE DEVELOPMENT REGULATIONS

Hillside properties are subject to additional requirements per Article XXII of the Town Zoning Ordinance.

## HILLSIDE BUILDING COMMITTEE

Properties designated Hillside may be subject to a Hillside Building Committee Review prior to making exterior modifications to the property. Please contact the Town Engineering Department for more information regarding the Hillside approval process.

## DO I NEED A HILLSIDE APPROVAL?

New building or addition? Yes  
New exterior finishes (paint, tile, etc.)? Yes  
New exterior amenities (pool, fire pit, etc.)? Yes  
New lighting? Yes  
New walls? Yes  
New solar? Yes  
New roof? Yes  
New land disturbance or earthwork? Yes  
New driveway? Yes  
New hardscape? Yes  
New landscaping? Yes  
Interior work? No<sup>1</sup>

<sup>1</sup>Interior remodels modifying 50% or more of the residential structure may be required to meet all current zoning regulations.

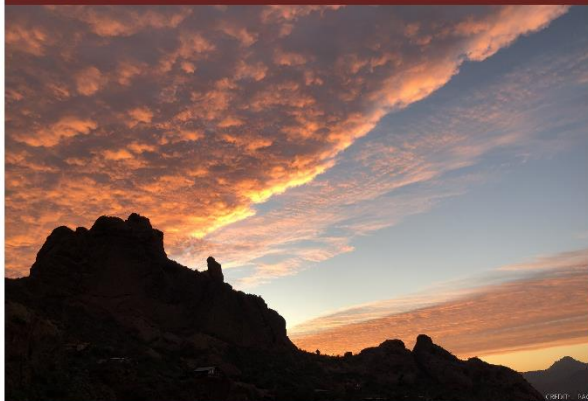
<sup>2</sup>Remodels with a building permit valuation of \$500,000 or greater may be required to meet all current Storm Drainage Design Manual standards.

## OUR MOUNTAINS MAKE US UNIQUE

Our mountains provide us with valuable scenic resources and contribute to the Town's identity. They help shape our sense of place, add an intrinsic value to the Town, and define the location and Character of the Town. Therefore they require unique development standards.

## COMMON MISTAKES IN THE HILLSIDE DEVELOPMENT AREA

- Painting the exterior of a residence in a non-compliant color (i.e. white).
- Coating a roof in a non-compliant color (i.e. white).
- Planting non native plants, trees, or grasses.
- Unapproved disturbance of land.
- Installing unapproved lighting.
- Altering grades or drainage.



## PARADISE VALLEY MOUNTAIN PRESERVE TRUST (PVMPT)

The purpose of the PVMPT is to acquire, maintain, preserve, and protect land currently in a natural state or land being returned to a natural state. Any owner may donate property to the Trust in fee simple or with a conservation easement. The Trust also accepts cash donations to support acquiring land. Please visit the website at [www.pvmpt.com](http://www.pvmpt.com) for more information.









# Geographical Information System (GIS)

- Staff has developed an internal GIS application on Google Maps platform to show Hillside parcels
- Hillside parcel database has been updated to include all recent removals
- Public Version of GIS application will available for the public on Hillside webpage



# Proposed Hillside Native Plant List

- Multiple applications with non-native plants
- Create a native plant list
- Include additional banned plants

TREES	NATIVE LIST
 <p><i>Acacia constricta</i> White Thorn Acacia</p>	 <p><i>Celtis pallida</i> Desert Hackberry</p>
 <p><i>Acacia greggii</i> Catclaw Acacia</p>	 <p><i>Chilopsis linearis</i> Desert Willow (all varieties)</p>
 <p><i>Canotia holacantha</i> Crucifixion Thorn</p>	 <p><i>Olneya tesota</i> Ironwood</p>



# Needs and Concerns for Town Council Consideration

- Adopt proposed “Approved Hillside Plant List”
- Provide additional restrictions for grasses
  - Grasses should be explicitly approved by the Hillside Building Committee
  - Prohibit grass at front of properties
  - Provide prescriptive measures to prevent the spread of grass
- Limit number of reviews returned to Committee/Chair under original applications
  - Several applicants have returned to make changes to previously approved plans
- Concerns about exterior lighting created by large exterior televisions
- Follow formal Ordinance Amendment Process



# Questions?





# Town of Paradise Valley

6401 E Lincoln Dr  
Paradise Valley, AZ 85253

## Action Report

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**File #:** 20-002

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**TOWN COUNCIL MEETING  
6401 E. LINCOLN DRIVE  
PARADISE VALLEY, ARIZONA 85253  
MINUTES  
Thursday, December 5, 2019**

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**1. CALL TO ORDER / ROLL CALL**

Mayor Bien-Willner called to order the Town Council Meeting for Thursday, December 5, 2019 at 3:05 p.m. in the Town Hall Boardroom.

**COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner  
Council Member Ellen Andeen  
Council Member Paul Dembow  
Vice Mayor Scott Moore attended  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Town Engineer Paul Mood  
Community Development Director Jeremy Knapp

**A motion was made by Council Member Andeen, seconded by Council Member Dembow, to go into executive session at 3:05 PM to discuss item 19-440. The motion carried by the following vote:**

**Aye:** 7 - Mayor Bien-Willner  
Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**2. EXECUTIVE SESSION**

**19-440            Discussion or consultation with the Town Attorney for legal  
advice regarding potential cost recovery ordinance as authorized  
by A.R.S. §38 431.03(A)(3.)**

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Note: Minutes of Town Council meetings are prepared in accordance with the provisions of Arizona Revised Statutes. These minutes are intended to be an accurate reflection of action taken and direction given by the Town Council and are not verbatim transcripts. Video recordings of the meetings along with staff reports and presentations are available online and are on file in the Office of the Town Clerk. Persons with disabilities who experience difficulties accessing this information may request accommodation by calling 480-948-7411 (voice) or 480-348-1811 (TDD).

- 19-447            The Town Council may go into executive session at one or more times during the meeting as needed to confer with the Town Attorney for legal advice regarding any of the items listed on the agenda as authorized by A.R.S. §38-431.03(A)(3).**

### **3. STUDY SESSION ITEMS**

Mayor Bien-Willner reconvened the public meeting at 3:22 p.m.

#### **STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Town Engineer Paul Mood  
Police Chief Peter Wingert  
Community Development Director Jeremy Knapp  
Public Works Director Brent Skoglund  
Chief Information Officer Steven Brunasso  
Planner George Burton

#### **19-452            Discussion of Cost Recovery Ordinance**

Town Attorney Andrew Miller and outside counsel Jeff Blilie, of Beus Gilbert PLLC, summarized Ordinance 2019-13 which codifies a process in Town Code that allows the Town Council to adopt resolutions or ordinances providing for development agreements that incorporate conditions, terms, restrictions and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursements over time, including for the construction of streets and sidewalks.

There was Council consensus to consider adoption of the ordinance later in the business meeting.

#### **19-443            Discussion of the Results of the Town's FY2018-19 Financial Audit**

Chief Financial Officer Douglas Allen summarized the results of the Fiscal Year 2019 Financial Audit. The Council discussed the two "audit findings" and the Corrective Action Plan.

#### **19-448            Discussion of a Lot Line Adjustment request on Five Star Area C - Located at 7000 E. Lincoln Drive**

Planner George Burton presented a request for a non-administrative land modification for a lot line adjustment on the Five Star Development Project Area C, to modify the property lines on Lots 35-37. Mr. Burton stated that the request meets development standards.

**19-445            Discussion of Ordinance No. 2019-12, amendment to Chapter 10, Offenses, by adding Article 10-14, adding a registration requirement by the property owner(s) of short-term rental properties and other related regulations**

Mr. Miller presented draft Ordinance 2019-12 adding a registration requirement for owners of short-term rental properties (STR) consistent with the provisions of HB 2672 signed into law by the Governor in May 2019. The registration requirement will help code enforcement officials more easily enforce state and local regulations governing short-term rental properties.

He explained that the ordinance requires responses from the STR responsible party to complaints in a “timely manner” which is defined as:

- within two hours for an incident where the police are “on scene” (at the STR property) at the time of the attempted contact with the contact person
- within 24 hours where the attempted first contact is made subsequent to the police (or code enforcement officer) leaving the scene of the STR property

There was Council consensus to schedule the ordinance for a vote at the next meeting.

**19-431            Discussion and Consideration of a Resident Mediation Program**

Community Development Director Jeremy Knapp provided information on mediation programs and discussed in-house and third-party program options.

There was Council consensus for staff to develop a third-party Resident Mediation Program that incorporated a small user payment. The Council directed staff to verify that the process used to identify mediators was consistent with procurement regulations.

**4. BREAK**

**5. RECONVENE FOR REGULAR MEETING**

Mayor Bien-Willner reconvened the meeting at 6:00 PM.

**6. ROLL CALL****COUNCIL MEMBERS PRESENT**

Mayor Jerry Bien-Willner  
Council Member Ellen Andeen  
Council Member Paul Dembow  
Vice Mayor Scott Moore  
Council Member Julie Pace  
Council Member Mark Stanton  
Council Member Anna Thomasson

**STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Community Development Director Jeremy Knapp  
Public Works Director Brent Skoglund  
Chief Information Officer Steven Brunasso

**7. PLEDGE OF ALLEGIANCE\***

Teddy Miller led the Pledge of Allegiance.

**8. PRESENTATIONS****19-437            Historical Advisory Committee Update**

Historical Advisory Committee Chair Catherine Kauffman presented the Committee's annual report to Council. She highlighted plans for the Town's 60<sup>th</sup> Anniversary and the Historic Property Recognition Program.

**19-413            Board of Adjustment Update**

Board of Adjustment Chair Eric Leibsohn presented the Board's annual report to Council. He acknowledged that variances for hillside properties must be in place before Hillside Committee action. He also suggested that the Council consider Code language to enable the Hillside Committee to determine if/when screen of solar panels are required.

**19-414            Planning Commission Update**

Planning Commission Chair Jonathan Wainwright presented the Commission's annual report to Council. He stated that the Statement of Direction process seems to be working and that the current members of the Planning Commission provide the right mix of expertise. He stated that the Commission will provide a list of topics the Council may wish to consider at the upcoming Council Planning Retreat.

Mayor Bien-Willner departed the meeting.

## 9. CALL TO THE PUBLIC

There were no public comments.

## 10. CONSENT AGENDA

Council Member Dembow removed item 19-456 from the Consent Agenda for separate discussion.

**A motion was made by Council Member Thomasson, seconded by Council Member Pace, to approve the Consent Agenda with the exception of Item 19-456. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

**19-454 Minutes of Town Council Meeting November 21, 2019**

**19-434 Cancellation of December 19, 2019 Council Meeting**

**Recommendation:** Consider cancelling the December 19, 2019 regular Council meeting.

**19-450 Approval of Design Change Order No. 3 for Roadway & Utility  
Improvements: Lincoln Dr, Mockingbird Ln, and Indian Bend Rd**

**Recommendation:** Authorize the Town Manager to execute Change Order No. 3 of the design contract with T.Y. Lin International Inc. in the amount of \$52,005, of which \$23,655 will be paid by the Town and the remaining \$28,350 paid by Five Star Development.

**19-456 Adoption of Resolution 2019-27 Approving the 2020 Legislative  
Agenda**

**A motion was made by Council Member Dembow, seconded by Council Member Pace, to adopt Resolution 2019-27. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

## 11. PUBLIC HEARINGS

### **19-446      Consideration of Ordinance 2019-07 Article XI, Section 1102.2.B. of the Zoning Ordinance; Medical Marijuana Dispensary Regulations**

Town Attorney Andrew Miller stated that the Town received a letter from the Rose Law Group contending that the draft ordinance was illegal under the terms of the Arizona Medical Marijuana Act. The Town Attorney's Office is researching the claim of illegality. He recommended that the Town Council continue the public hearing to allow time for additional legal research.

Vice Mayor Moore opened the public hearing. There were no public comments.  
Vice Mayor Moore closed the public hearing.

There was no Council discussion.

**A motion was made by Council Member Pace, seconded by Council Member Stanton, to continue the public hearing on draft Ordinance 2019-07 to March 12, 2020. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

## 12. ACTION ITEMS

### **19-442      Adoption of Resolution 2019-25 Accepting the FY2018-19 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports**

Chief Financial Officer Douglas Allen summarized the Comprehensive Annual Financial Audit Report, Annual Expenditure Limitation Report, Highway User Revenue Fund Report, Auditor Communication letter, and the Internal Control Communication.

He reported that:

- Revenues closed 8.0% (\$2,658,613) higher than estimated; revenue estimates were purposefully flat to protect the Town form over extending expenditures.
- Expenditures were 2.3% (\$687,687) higher than estimated; included \$3 million additional PSPRS payment

- Transfers out ended the year 9.2% (\$505,141) more than estimated; driven by Town policy.
- Ending operating fund balance is 1.4% (\$439,563) higher than estimated; meeting expectations.

Daros Zahn, Senior Auditor with CliftonLarsonAllen, reported on the results of the annual audit. The firm issued an Unmodified Opinion on the Financial Statements and a clean opinion on the Annual Expenditure Limitation Report. A Material Weakness was reported. The Firm proposed and the Town subsequently recorded an entry to restate beginning net position of the governmental activities for an error in deferring pension contributions in the previously issued financial statements. (In the prior year, the Town made pension contributions to the Public Safety Personnel Retirement System in excess of the required contributions; however, the excess contribution was recognized as an expense in the governmental activities and should have been reported as a deferred outflow of resources.) A Significant Deficiency was reported relating to two management level employees having full user access rights to the financial accounting software. They recommended maintaining segregation of duties and limitation on user access rights to mitigate the threat of management override of controls in financial reporting.

Responding to a question from Council, Mr. Zahn stated that there was no evidence of impropriety regarding user access rights; rather, the recommendation was being made to mitigate risk.

There were no public comments.

**A motion was made by Council Member Andeen, seconded by Council Member Pace, to Adopt Resolution 2019-25 Accepting the FY2018-19 Comprehensive Annual Financial Report (CAFR) and Associated Financial Reports. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

**19-441      Adoption of Resolution 2019-24 Accepting the FY2018-19 Popular Annual Financial Report (PAFR)**

Mr. Allen presented the FY 2019 Popular Annual Financial Report (PAFR). He said the statements contained in this PAFR condenses and simplifies information derived from the Town's 2019 Comprehensive Annual Financial Report (CAFR). It summarizes the financial activities of the Town with brief analysis of where the Town's revenues come from, where those dollars are spent and trends in the local economy.

The Council discussed options to publicize the PAFR and provide copies to all residents.

There were no public comments.

**A motion was made by Council Member Andeen, seconded by Council Member Pace, to Adopt Resolution 2019-24 Accepting the FY2018-19 Popular Annual Financial Report (PAFR). The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

**19-417            Adoption of Resolution Number 2019-22 regarding the purchase, sale, or lease of real property in the vicinity of 5600 Block of N. Homestead Lane as authorized by A.R.S. §38 431.03(A)(7).**

Senior Planner Paul Michaud presented a request from property owner, Nineteen trust c/o Joshua Kesselman, to abandon an approximate 1,331 square-foot strip of right-of-way adjoining 5664 N Homestead Lane. The purpose for the request was to increase the size of the property to over 2-acres, thus allowing the property owner to have four horses on the property, pursuant to Section 502 of the Zoning Ordinance.

An appraisal was done and the owner has agreed to pay \$22,000 plus closing fees. The owner further agreed to record a deed restriction preventing the lot from being split in the future.

There were no public comments.

**A motion was made by Council Member Pace, seconded by Council Member Dembow, to Adopt Resolution 2019-22, abandoning an approximate 1,331 square-foot portion of Homestead Lane adjoining the property located at 5664 N Homestead Lane (Assessor Parcel No. 170-03-026C). The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

**19-453            Consideration of Cost Recovery Ordinance**

Mr. Miller presented Ordinance Number 2019-13. The ordinance relies on the authority found in Arizona Revised Statute § 9-500.05 (the "DA Statute") which provides that the Town Council may adopt resolutions or ordinances providing for development agreements that incorporate conditions, terms, restrictions and requirements for public infrastructure and the financing of public infrastructure and subsequent reimbursements over time, including for the construction of streets and sidewalks. The Ordinance uses the approach taken by many cities to provide that if the Council determines that certain public improvements (including streets, sidewalks, water lines, sewer lines, storm sewer lines and systems, curb, gutter, street lights, traffic signals and public landscaping) are necessary before the development of a "benefitted" property, the Council may either order these improvements to be constructed by the Town at its expense or by a developer (who enters into a repayment agreement) and to thereafter assess the expense against the benefitted property.

After consideration of the ordinance during the study session, Mr. Miller suggested deleting section 5-10-6(c) because it was redundant.

There was no public comment.

**A motion was made by Council Member Pace, seconded by Council Member Stanton, to Adopt Ordinance Number 2019-13 with the following amendment: delete Section 5-10-6(C). The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

### **13. FUTURE AGENDA ITEMS**

#### **19-439          Consideration of Requests for Future Agenda Items**

Town Manager Keimach summarized the future agenda schedule.

There were no motions to add any items to the future agenda list.

### **14. MAYOR / COUNCIL / MANAGER COMMENTS**

Ms. Keimach provided an update on the Town Hall remodel project. A ribbon cutting will be planned for January 9, 2020.

Council Member Andeen announced that December 7 is Over The Edge at Cityscape benefiting the Special Olympics.

Council Member Dembow announced that January 22, 2020 was the Arizona Distracted Driver Summit from 9 a.m. to 3 p.m. at Wesley Bolin Plaza.

Council Member Pace provided an update on anticipated conservation easement donations to the Paradise Valley Mountain Preserve Trust.

Vice Mayor Moore reported on Experience Scottsdale breakfast Board meeting.

**15. STUDY SESSION CONTINUED****STAFF MEMBERS PRESENT**

Town Attorney Jill Keimach  
Town Attorney Andrew Miller  
Town Clerk Duncan Miller  
Police Chief Peter Wingert  
Community Development Director Jeremy Knapp  
Deputy Town Attorney Deborah Robberson

**19-436            General Plan Update Process Overview**

Community Development Director Jeremy Knapp presented an overview of general plan adoption requirements and timing necessary to comply with state law. The Council discussed the public participation plan and what was done in previous years.

There was consensus for staff to research what the Town has done in the past and what other communities do and bring back options for Council consideration.

**19-455            Overview of New Functional Organizational Chart and Reporting Structure, Changing Finance and IT Divisions to Departments, Requesting a Change in Authorized Positions from a Deputy Town Manager Position to an Entry Level Planner, Promotion of Community Development Director and Reclassifications of Existing Planning Staff; and Extending the Option of an Alternative Work Schedule to All Staff**

Ms. Keimach reported on changes to the organizational structure, the elimination of the deputy town manager position, and addition of an entry level planner. The new structure:

1. Combines the Engineering Department within Community Development;
2. Establishes the Community Development Director as the lead of the newly combined department that includes Planning, Building/Inspection and Engineering;
3. Adds reporting relationships with Community Development, Public Works and the Post Office to the Town Manager;
4. Changes two divisions, Finance and IT, previously under the management of a Deputy Town Manager into departments directly reporting to the Town Manager; and
5. Retains the authority, breadth, and responsibility of all department (and former division) heads.

She presented an alternative work schedule plan for the Town Hall staff to provide the option to stagger a 9/80 workweek where an employee would work eight nine-hour work days and one eight-hour work day every two weeks with the following expectations:

1. Each new department adding this option would ensure coverage on Fridays
2. Salaried employees would be reachable by phone on their 'off-Fridays'
3. If and when the Town required additional assistance on a particular Friday, the employee would endeavor to assist in having additional coverage when needed

4. All Post Office staff would work on high volume peak periods during the holidays and tax day, for example.

## 16. ADJOURN

**A motion was made by Council Member Stanton, seconded by Council Member Pace, to adjourn. The motion carried by the following vote:**

**Aye:** 6 - Council Member Andeen  
Council Member Dembow  
Vice Mayor Moore  
Council Member Pace  
Council Member Stanton  
Council Member Thomasson

**Absent:** 1 - Mayor Bien-Willner

Vice Mayor Moore adjourned the meeting at 9:14 PM

## TOWN OF PARADISE VALLEY

SUBMITTED BY:

\_\_\_\_\_  
Duncan Miller, Town Clerk

STATE OF ARIZONA                    )  
  :ss.  
COUNTY OF MARICOPA            )

## CERTIFICATION

I, Duncan Miller, Town Clerk of the Town of Paradise Valley, Arizona hereby certify that the following is a full, true, and correct copy of the minutes of the regular meeting of the Paradise Valley Town Council held on Thursday, December 5, 2019.

I further certify that said Municipal Corporation is duly organized and existing. The meeting was properly called and held and that a quorum was present.

\_\_\_\_\_  
Duncan Miller, Town Clerk



## Action Report

File #: 20-007

**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Jeremy Knapp, Community Development Director  
George Burton, Senior Planner

**DATE:** January 9, 2020

**DEPARTMENT:** Community Development

**AGENDA TITLE:**

**Approval of a Lot Line Adjustment Request on Five Star Area C - Located at 7000 E. Lincoln Drive**

**RECOMMENDATION:**

Approve the Five Star Development lot line adjustment request for Area C Lots 35-37.

**REQUEST:**

The applicant requests a non-administrative land modification for a lot line adjustment on Area C, to modify the property lines on Lots 35 - 37.

**BACKGROUND:**

History and Scope of Request

Five Star Area C is comprised of thirty-nine single family residential lots and a private roadway tract. The applicant is proposing to modify the property lines on Lots 35, 36, and 37 (slightly moving two lot lines on the affected lots to increase the size of Lot 35). The enclosed plat illustrates the location and boundaries of the existing and proposed lot lines. The modified lots are compliant with the Special Use Permit requirements, in which each lot shall maintain a minimum size of 12,000 square feet (with the smallest modified lot size maintaining a lot size of 15,786 square feet):

Lot #	Existing Area	Proposed Area	SUP (Min/Average Area)
35	14,945 sq ft	15,786 sq ft	12,000 sq ft/14,191 sq ft
36	17,939 sq ft	18,035 sq ft	12,000 sq ft/14,191 sq ft
37	25,580 sq ft	24,644 sq ft	12,000 sq ft/14,191 sq ft

In accordance with Article 6-9 of the Town Code, non-administrative land modifications shall follow the final plat process, which requires Town Council review and approval. As a result, the Town Council must act on the lot line adjustment within forty (40) days from when staff deems the

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**File #:** 20-007

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application complete (with the 40<sup>th</sup> day being January 13, 2020) and the neighboring properties must be notified of the upcoming public meeting date. This application is scheduled from action at the January 9, 2020 Council meeting.

Town Council Review

The Town Council reviewed the request at the December 5, 2019 work study session. During the work study review, the Vice Mayor identified, and the full Council concurred that the non-vehicular access easement (NVAE), which was illustrated on the original plat map, was not shown on this lot line adjustment plat. The applicant updated the lot line adjustment plat to include the NVAE.

**ATTACHMENT(S):**

- A - Application
- B - Vicinity Map & Aerial Photo
- C - Narrative
- D - Lot Line Adjustment Plat
- E - Power Point Presentation

LLA-19-06

**TOWN OF PARADISE VALLEY**  
**APPLICATION FOR LOT LINE ADJUSTMENTS, REPLAT, LOT COMBINATIONS, AND**  
**EXEMPT LOT SPLITS**

PARCEL NO.: 174-58-444, 174-58-445, 174-58-446  
(County Tax Assessor Number)

DATE: 10/14/2019

RECEIVED  
OCT 18 2019

NAME OF SUBDIVISION: 7000 East Lincoln Parcel C-Amended II

If property or properties are not in a subdivision checkbox: ☐

If property or properties are both in and out of a subdivision check box: ☐

ADDRESS OR LOCATION OF PROPERTY: Northeast corner of Lincoln Drive and Mockingbird Lane

OWNER: FSPV RES C, LLC

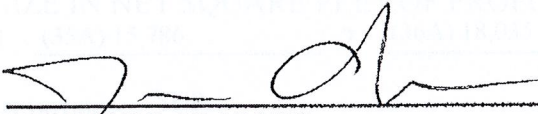
NAME

6720 N. Scottsdale Rd, Suite 130, Scottsdale, AZ 85253

480-603-1387

ADDRESS

PHONE #



10.14.19

SIGNATURE OF OWNER

*All owners of the property or properties must sign the application or submit an original signed letter acknowledging the processing of this application.*

REPRESENTATIVE: Heidi Tilson, P.E.

Coe & Van Loo Consultants, Inc.

NAME

COMPANY

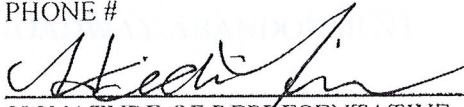
4550 N. 12th Street, Phoenix, AZ 85014

ADDRESS

602-285-4870

PHONE #

FAX #



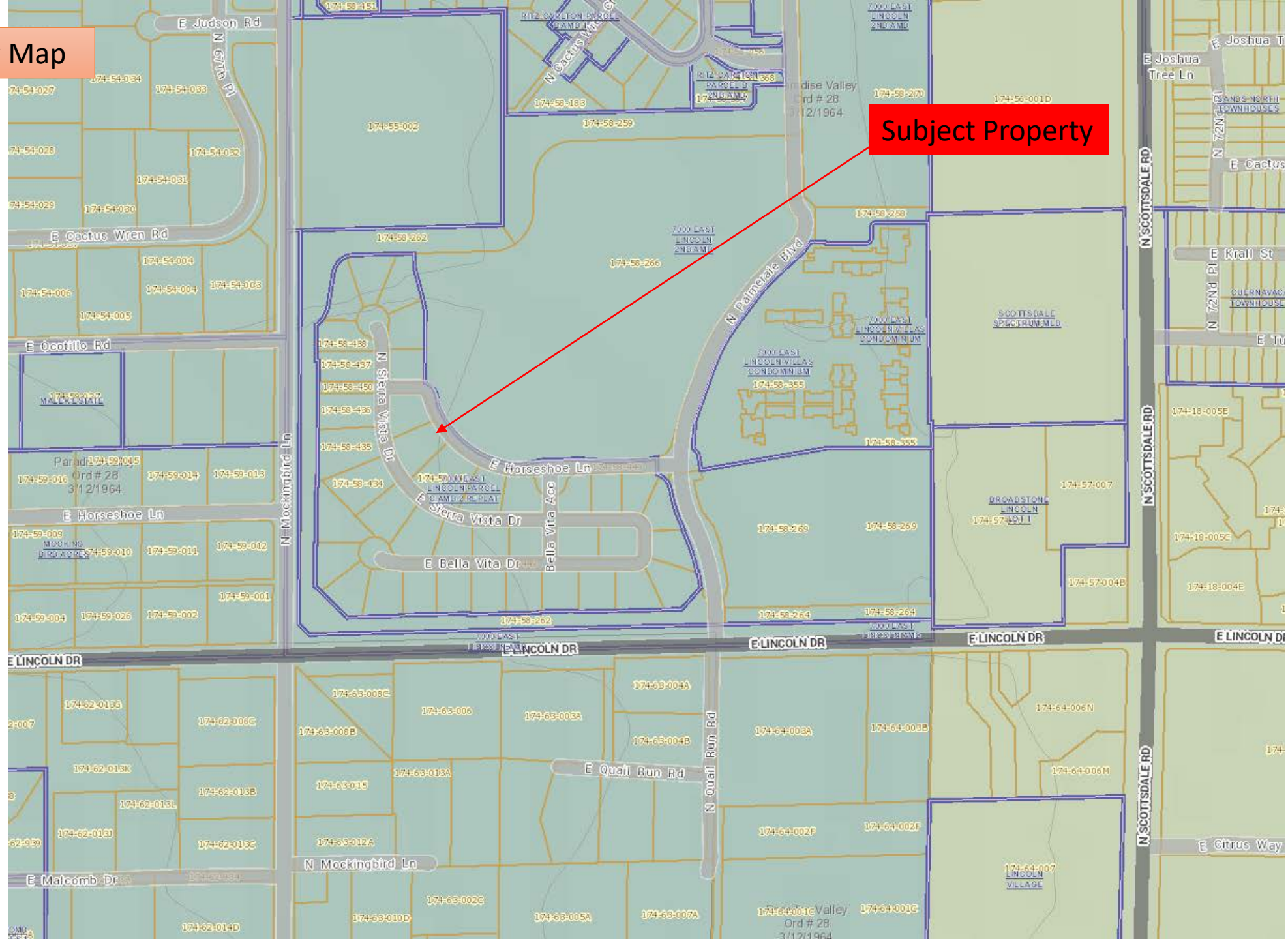
10-15-19

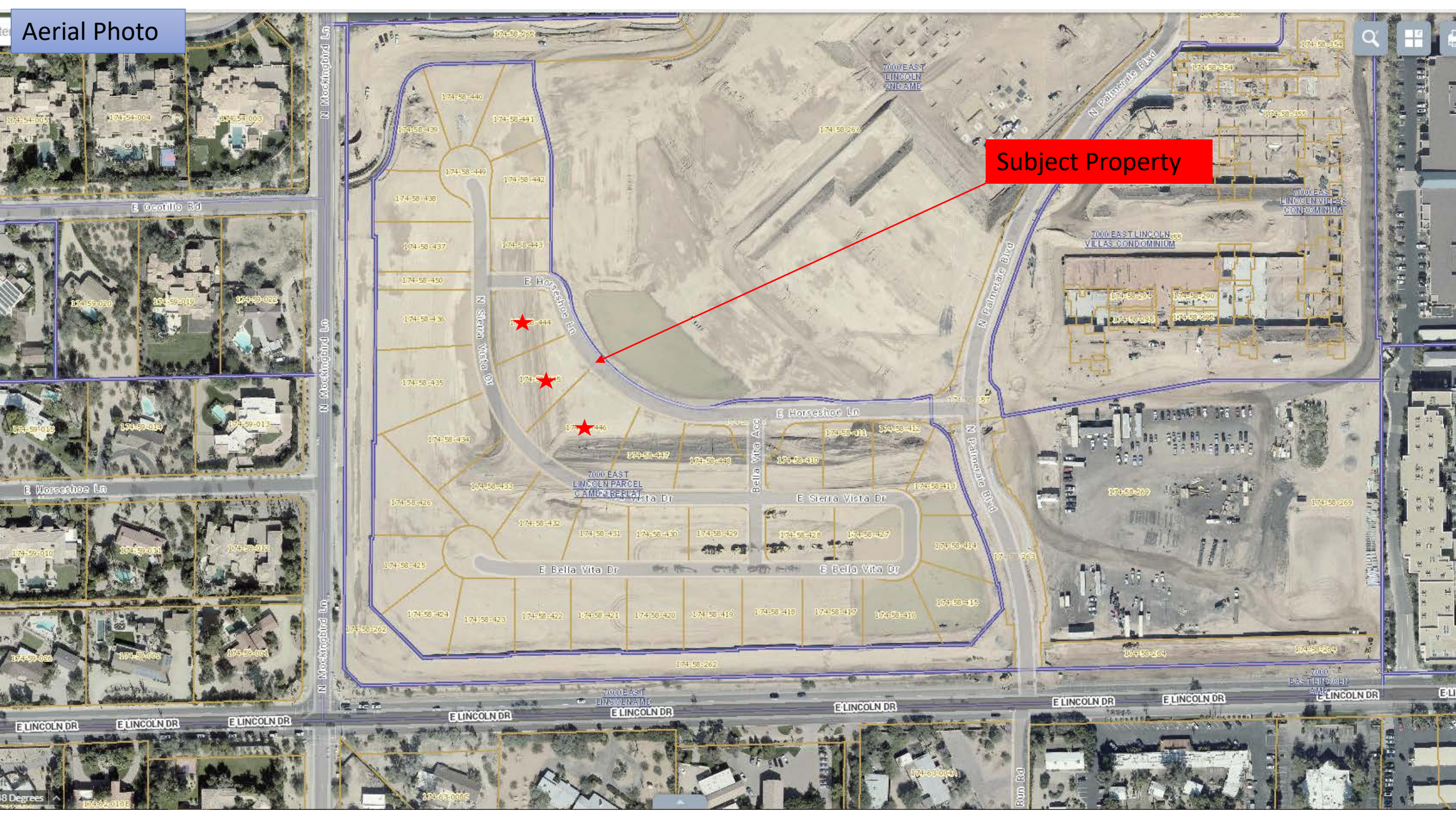
SIGNATURE OF REPRESENTATIVE

If representative is same as owner listed on this application check box ☐

*The listed representative will be the primary contact on this application. The Town will send all correspondence on this application to the listed representative, unless otherwise notated.*

## Vicinity Map

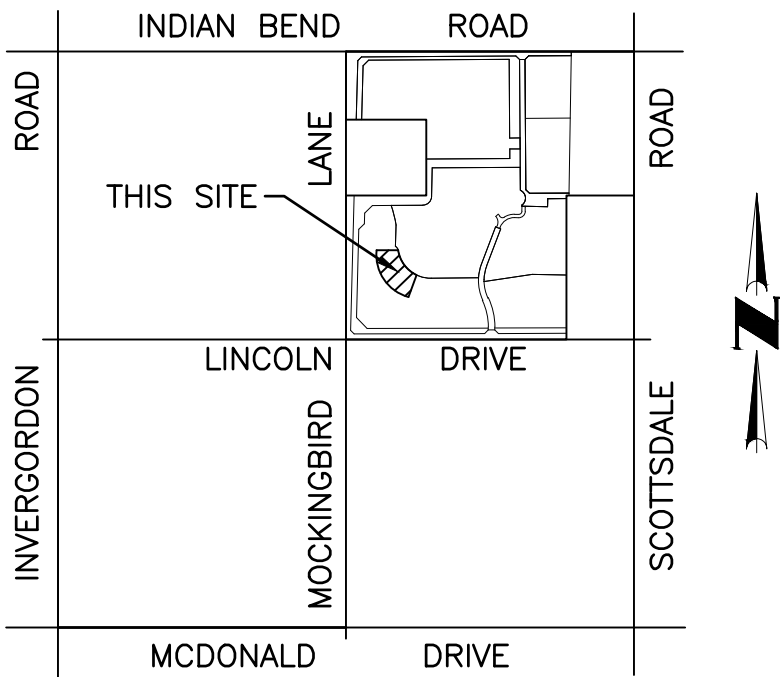




### **Narrative – November 25, 2019**

COE & VAN LOO, on behalf of Five Star Resort Owner, LLC, is requesting a Lot Line Adjustment of Amended 7000 East Lincoln – Parcel C – Amended II, as recorded in Book 1482 Page 11, Maricopa County Recorder, 09/06/2019. The purpose of this Lot Line Adjustment is to shift lot lines of Lots 35, 36, and 37. The lot lines will shift southeast, lot 35 will increase in size and lot 37 will decrease in size. The purpose of the request is to increase the size of Lot 35, making it more desirable. The prospective buyer of Lot 35 requested a larger lot to give them additional yard space.

**Heidi Tilson, P.E.**  
**CVL CONSULTANTS**



VICINITY MAP  
(NOT-TO-SCALE)

### NOTES

- ALL ELECTRIC, NATURAL GAS, TELEPHONE AND CABLE TV SERVICE LINES WILL BE INSTALLED UNDERGROUND EXCEPT AS REQUIRED BY THE UTILITY PROVIDERS.
- CONSTRUCTION WITHIN UTILITY EASEMENTS, EXCEPT BY PUBLIC AGENCIES AND UTILITY COMPANIES SHALL BE LIMITED TO WOOD AND WIRE OR REMOVABLE SECTION TYPE FENCING AND MUST BE IN CONFORMANCE WITH APPLICABLE DEED RESTRICTIONS, TOWN CODES, AND MAG SPECS AND STANDARD DETAILS.
- THE ELEVATION OF ANY PAD FOR A BUILDING OR STRUCTURE WITHIN THE BASE FLOOD LIMITS OF AN AREA OF SPECIAL HAZARD MUST BE IN ACCORDANCE WITH ARTICLE 5-11 OF THE TOWN OF PARADISE VALLEY TOWN CODE, FLOODPLAIN ADMINISTRATION.
- TRACT A IS A PRIVATE DRIVE. TRACT A CONTAINS EASEMENTS FOR PRIVATE SEWER LINES, PUBLIC & PRIVATE WATER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, CABLE TELEVISION, DRAINAGE, REFUSE COLLECTION, AND EMERGENCY AND SIMILAR SERVICE TYPE VEHICLES.
- THE DEVELOPMENT OF THE LOTS IN "AMENDED 7000 EAST LINCOLN - PARCEL C" IS PURSUANT TO THE AMENDED AND RESTATED DEVELOPMENT AGREEMENT, AND COVENANT RUNNING WITH THE LAND, AND RELEASE RECORDED IN THE OFFICIAL RECORDS OF MARICOPA COUNTY AT DOCUMENT NUMBER 2016-00048361 AND PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
- BUILDING HEIGHTS ARE PURSUANT TO SPECIAL USE PERMIT NO. 15-01 ISSUED BY THE TOWN OF PARADISE VALLEY.
- CC&R'S FOR THIS DEVELOPMENT ARE AS PER THE FIRST AMENDED AND RESTATED DECLARATION OF COVENANTS, CONDITIONS, LIENS AND RESTRICTIONS FOR 7000 EAST LINCOLN RESORT COMMUNITY AS RECORDED IN DOCUMENT NO. 2017-0193183 M.C.R.
- INDIVIDUAL TRACTS OR LOTS CAN INCLUDE POOLS OR OTHER AMENITIES IN CONFORMANCE WITH APPROVED SPECIAL USE PERMIT (SUP-15-01).
- THOSE PORTIONS OF TRACT B AND LOT 34 WHICH WILL BE DRIVABLE SURFACES TO BE UTILIZED ONLY BY EMERGENCY VEHICLES SHALL BE CONSTRUCTED WITH MATERIALS TO BE APPROVED BY THE FIRE MARSHAL.
- LOTS 6 THROUGH 17, INCLUSIVE, AND LOTS 26 THROUGH 30, INCLUSIVE, ARE TO BE SINGLE-STORY LIMITED TO A MAXIMUM HEIGHT OF 20 FEET.
- TWO TREES PER LOT SHALL BE PLANTED WITHIN THE 35' LANDSCAPE EASEMENT ON LOTS 26, 27, AND 28.
- ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE ON LOTS 6 THROUGH 17, INCLUSIVE, AND LOTS 26 THROUGH 32, INCLUSIVE, SHALL HAVE A REAR YARD SETBACK OF 20 FEET.
- NO STRUCTURES OR WALLS MAY BE CONSTRUCTED WITHIN THE EMERGENCY ACCESS EASEMENT OVER THE CORNER OF LOT 34.

### DRAINAGE EASEMENT RESTRICTIONS

PURSUANT TO A.R.S. 9-463.01 (C), AND SECTION 6-4 (E)(J), 8-7-1 ET. SEQ. AND 6-3-8 OF THE CODE OF ORDINANCES OF THE TOWN OF PARADISE VALLEY, DRAINAGE EASEMENTS ARE FOR THE PURPOSE OF ALLOWING STORM, FLOOD AND OTHER WATERS TO PASS OVER, UNDER, OR THROUGH THE LAND SET ASIDE FOR SUCH EASEMENTS, AND NOTHING WHICH MAY, TO ANY DEGREE, IMPEDE OR OBSTRUCT THE FLOW OF SUCH WATER, SHALL BE CONSTRUCTED, PLACED, PLANTED OR ALLOWED TO GROW ON OR IN SUCH EASEMENTS. THE MAINTENANCE AND CLEARING OF THESE DRAINAGE EASEMENTS SHALL BE THE SOLE RESPONSIBILITY AND DUTY OF THE HOMEOWNERS ASSOCIATION. HOWEVER, THE TOWN OF PARADISE VALLEY, A MUNICIPAL CORPORATION, MAY, IF THE TOWN DEEMS IT TO BE IN THE BEST INTERESTS OF THE HEALTH, SAFETY, OR WELFARE OF THE TOWN OF PARADISE VALLEY, CONSTRUCT AND/OR MAINTAIN DRAINAGE FACILITIES ON OR UNDER SUCH EASEMENTS. AGENTS AND EMPLOYEES OF THE TOWN OF PARADISE VALLEY SHALL HAVE FREE ACCESS TO AND FROM ALL PORTIONS OF SUCH EASEMENTS AT ALL TIMES.

### 100 YEAR ASSURED WATER SUPPLY

THE AREA PLATTED HEREON LIES WITHIN THE DOMESTIC WATER SERVICE AREA OF EPCOR WATER ARIZONA INC. - PARADISE VALLEY WHICH IS DESIGNATED AS HAVING AN ASSURED WATER SUPPLY PURSUANT TO SECTION 45-576 ARIZONA REVISED STATUTES AS PER ARIZONA DEPARTMENT OF WATER RESOURCES CERTIFICATE NUMBER 27-700892.0000 DATED OCTOBER 18, 2016.

### LEGEND

— — ▲ — —	INDICATES SECTION CORNER - FOUND BRASS CAP IN HANDHOLE (UNLESS OTHERWISE NOTED).
— — (C) — —	INDICATES FOUND 1/2" IRON PIPE (UNLESS OTHERWISE NOTED).
— — ○ — —	INDICATES CORNER OF THIS SUBDIVISION - SET SURVEY MARKER PER M.A.G. STD DET. 120, TYPE "C" MODIFIED (UNLESS OTHERWISE NOTED).
— — ◆ — —	CENTERLINE MONUMENTATION AND STREET ADDRESSING CHANGE - SET BRASS CAP FLUSH UPON COMPLETION OF JOB PER M.A.G. STD. DTL. 120, TYPE "B" (UNLESS OTHERWISE NOTED)
●	INDICATES CENTERLINE MONUMENT
AC	INDICATES ACRES
C1	INDICATES CURVE NUMBER
P.U.E.	INDICATES PUBLIC UTILITY EASEMENT
P.A.E.	INDICATES PEDESTRIAN ACCESS EASEMENT
V.N.A.E.	INDICATES VEHICULAR NON-ACCESS EASEMENT
S.W.L.E.	INDICATES SIDEWALK, WALL AND LANDSCAPE EASEMENT
BSL	INDICATES BUILDING SETBACK LINE
HOA	INDICATES HOME OWNER ASSOCIATION
APN	INDICATES ASSESSOR PARCEL NUMBER
EX.	INDICATES EXISTING
R/W	INDICATES RIGHT OF WAY
①	INDICATES SIGHT VISIBILITY TRIANGLE EASEMENT - 30' X 30'
SVD	INDICATES EAST SIERRA VISTA DRIVE
BVD	INDICATES EAST BELLA VISTA DRIVE
*	INDICATES SINGLE-STORY LIMITED LOT
←	INDICATES FRONT OF LOT
— — — — —	INDICATES EXISTING LOT LINE (AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II)

### UTILITY PROVIDERS

SEWER	TOWN OF PARADISE VALLEY
WATER	EPCOR WATER
TELEPHONE	COX COMMUNICATIONS/CENTURY LINK
CABLE	COX COMMUNICATIONS
GAS	SOUTHWEST GAS
ELECTRIC	ARIZONA PUBLIC SERVICE

SITE TABLE		
GROSS AREA	17,329	754,841 SQ FT
NET AREA	17,329	754,841 SQ FT
ZONING	SUP-RESORT	
YIELD	39	100%
LOTS 10,000 - 15,000 SF	12	31%
LOTS GREATER THAN 15,000 SF	27	69%
GROSS DENSITY	2.25	DU/AC
NET DENSITY	2.25	DU/AC
PRIVATE DRIVE (TRACT A)	2,945	AC

SITE DATA TABLE INCLUDES LOTS THAT ARE NO LONGER A PART OF THIS LOT LINE ADJUSTMENT TO REMAIN IN SUBSTANTIAL CONFORMANCE WITH THE SUP.

MAIN BUILDING SETBACKS		
FRONT YARD	FIRST FLOOR	20'
	SECOND FLOOR	25'
SIDE YARD	LOTS GREATER THAN 15,000 SF	15' EACH SIDE
	LOTS 10,000 - 15,000 SF	20' TOTAL (NOT LESS THAN 5')
REAR YARD	FIRST FLOOR	20'
	SECOND FLOOR	35'

ACCESSORY BUILDING SETBACKS	
FRONT YARD	10'
SIDE YARD	5'
	10' (ABUTTING A STREET)
REAR YARD	*10'

\* REFER TO NOTE NO. 12 REGARDING ACCESSORY STRUCTURES WITH LIVEABLE SQUARE FOOTAGE.

# LOT LINE ADJUSTMENT AMENDED 7000 E LINCOLN - PARCEL C - AMENDED III

A LOT LINE ADJUSTMENT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA

### OWNER

FSPV RES C, LLC  
6720 N. SCOTTSDALE ROAD SUITE 130  
SCOTTSDALE, ARIZONA 85014  
PHONE: (480) 603-1387  
CONTACT: GERALD C. AYOUB  
EMAIL: JERRYAY@FIVESTARDEVELOPMENT.COM

### ENGINEER

CVL CONSULTANTS, INC  
4550 NORTH 12TH STREET  
PHOENIX, ARIZONA 85014  
PHONE: (602) 264-6831  
FAX: (602) 264-0938  
CONTACT: HEIDI TILSON  
EMAIL: HTILSON@CVLCI.COM

### BASIS OF BEARING

THE BASIS OF BEARINGS FOR THIS SURVEY IS NORTH 00°18'21" EAST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, ACCORDING TO BOOK 1022 OF MAPS, PAGE 23, MARICOPA COUNTY RECORDS.

### CERTIFICATION

THIS IS TO CERTIFY THAT (1) THE SURVEY OF THE PREMISES DESCRIBED AND PLATTED HEREIN WERE MADE UNDER MY DIRECTION DURING THE MONTH OF NOVEMBER 2015, AND (2) THIS PLAT IS CORRECT AND ACCURATE, AND (3) THE MONUMENT OR MONUMENTS SHOWN HEREIN HAVE BEEN LOCATED AS DESCRIBED.

BY: \_\_\_\_\_  
RICHARD G. ALCOCER  
REGISTRATION NUMBER 33851  
4550 N. 12TH STREET  
PHOENIX, ARIZONA 85014  
(602)-264-6831  
CVLSURVEY@CVLCI.COM

### APPROVAL

APPROVED BY THE TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
TOWN CLERK

\_\_\_\_\_  
TOWN ENGINEER

\_\_\_\_\_  
PLANNING DIRECTOR

### ACKNOWLEDGEMENT

STATE OF ARIZONA )  
 ) SS  
COUNTY OF MARICOPA )

ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020, BEFORE ME

PERSONALLY APPEARED \_\_\_\_\_, AND ACKNOWLEDGED HIMSELF/HERSELF TO BE AN AUTHORIZED AGENT OF FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AND ACKNOWLEDGED THAT HE/SHE, AS THE AUTHORIZED AGENT, BEING DULY AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE CONTAINED THEREIN.

IN WITNESS WHEREOF:

I HEREBY SET MY HAND AND OFFICIAL SEAL

BY: \_\_\_\_\_ MY COMMISSION EXPIRES: \_\_\_\_\_

NOTARY PUBLIC

DATE

### COUNTY RECORDER

### DEDICATION

STATE OF ARIZONA )  
 ) SS  
COUNTY OF MARICOPA )

KNOW ALL MEN BY THESE PRESENTS:

THAT FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY PUBLISHES THIS LOT LINE ADJUSTMENT FOR "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II", A LOT LINE ADJUSTMENT OF AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II, AS RECORDED IN BOOK 1482 OF MAPS, PAGE 11, MARICOPA COUNTY RECORDS, BEING SITUATED IN THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, MARICOPA COUNTY, ARIZONA, AS SHOWN AND PLATTED HEREON AND HEREBY PUBLISHES THIS LOT LINE ADJUSTMENT AS AND FOR THE LOT LINE ADJUSTMENT OF "AMENDED 7000 EAST LINCOLN - PARCEL C - AMENDED II" AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS, TRACTS AND EASEMENTS CONSTITUTING SAME AND THAT EACH LOT AND TRACT SHALL BE KNOWN BY THE NUMBER OR LETTER THAT IS GIVEN TO EACH, RESPECTIVELY, ON SAID PLAT.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER, HEREBY DEDICATES TO THE WATER, SEWER, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITY PROVIDERS THOSE PUBLIC UTILITY EASEMENTS (P.U.E) AS SHOWN ON THIS PLAT AND HEREBY DEDICATES THOSE AREAS UNDER AND ACROSS THOSE AREAS AS SHOWN. THE PUBLIC UTILITY EASEMENTS AS ARE FOR THE INSTALLATION, MAINTENANCE, REPAIR AND/OR REMOVAL OF PUBLIC AND PRIVATE WATERLINES, SEWER LINES, NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TELEVISION UTILITIES STRICTLY AS NECESSARY TO PROVIDE SUCH UTILITY SERVICES.

A PERPETUAL, NON-EXCLUSIVE, UTILITY EASEMENT ("EASEMENT") AS DESCRIBED IN THIS PLAT IS GRANTED TO EPCOR WATER ARIZONA INC., AN ARIZONA CORPORATION AND ITS SUCCESSORS AND ASSIGNS (COLLECTIVELY "GRANTEE"), TO CONSTRUCT, OPERATE, AND MAINTAIN WATER LINES AND APPURTENANT FACILITIES (COLLECTIVELY, "FACILITIES") UPON, ACROSS, OVER, AND UNDER THE SURFACE OF THE UTILITY EASEMENTS CREATED BY THIS PLAT (THE "EASEMENT AREA"), TOGETHER WITH THE RIGHT TO OPERATE, REPAIR, REPLACE, MAINTAIN, AND REMOVE THE FACILITIES; TO ADD OR TO ALTER THE FACILITIES WITHIN THE EASEMENT AREA, AND TO PROVIDE GRANTEE WITH REASONABLE INGRESS AND EGRESS TO THE FACILITIES AS NECESSARY. GRANTEE WILL HAVE UNRESTRICTED ACCESS TO THE EASEMENT AREA FOR THE ACTIVITIES DESCRIBED ABOVE AND FORMAL NOTIFICATION OR APPROVAL BY ANY ASSOCIATION PRIOR TO ACCESSING THE EASEMENT WILL NOT BE REQUIRED. GRANTOR SHALL NOT ERECT OR CONSTRUCT OR PERMIT TO BE ERECTED OR CONSTRUCTED ANY BUILDING, STRUCTURE OR SIMILAR IMPROVEMENT WITHIN THE LIMITS OF THE EASEMENT GRANTED HEREIN. GRANTOR SHALL NOT, NOR PERMIT, THE GRADE OVER GRANTEE'S FACILITIES TO BE SUBSTANTIALLY ALTERED WITHOUT, IN EACH INSTANCE, THE PRIOR WRITTEN CONSENT OF GRANTEE, AND GRANTOR AGREES THAT NO OTHER PIPES OR CONDUITS SHALL BE PLACED WITHIN THE PREMISES SUBJECT TO THE EASEMENT GRANTED HEREIN, EXCEPT PIPES CROSSING GRANTEE'S FACILITIES AT RIGHT ANGLES, IN WHICH CASE, A MINIMUM VERTICAL DISTANCE OF TWO (2) FEET (AS MEASURED FROM THE CLOSEST POINTS ON THE OUTSIDE EDGES) SHALL BE MAINTAINED BETWEEN GRANTEE'S FACILITIES AND SUCH OTHER PIPES OR CONDUITS, UNLESS GRANTEE EXPRESSLY CONSENTS IN WRITING OTHERWISE, ANY AND ALL SEWER PIPES CROSSING THE EASEMENT GRANTED HEREIN SHALL BE LAID BELOW GRANTEE'S FACILITIES. NOTWITHSTANDING ANYTHING TO THE CONTRARY HEREIN, GRANTOR SHALL HAVE THE RIGHT TO CONSTRUCT AND ERECT FENCES, TO INSTALL LANDSCAPING, PARKING FACILITIES AND DRIVEWAYS, AND TO ESTABLISH OTHER USES WHICH ARE NOT INCONSISTENT WITH USES WITHIN THE LIMITS OF SAID EASEMENT IN A MANNER WHICH WILL NOT UNREASONABLY INTERFERE WITH GRANTEE'S ACCESS TO THE FACILITIES.

IN WITNESS WHEREOF:

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY, AS OWNER OF THE LAND DESCRIBED HEREIN, HAS CAUSED ITS NAME TO BE AFFIXED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF THE UNDERSIGNED DULY AUTHORIZED OFFICER.

FSPV RES C, LLC, A DELAWARE LIMITED LIABILITY COMPANY

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
MANAGER

ITS: AUTHORIZED SIGNATORY

GROSS AREA = 1.342 ACRES

SEE SHEET 2 FOR CURVE  
TABLE, LINE TABLE AND LOT  
AREA TABLE

DATE

REVISION

NO.

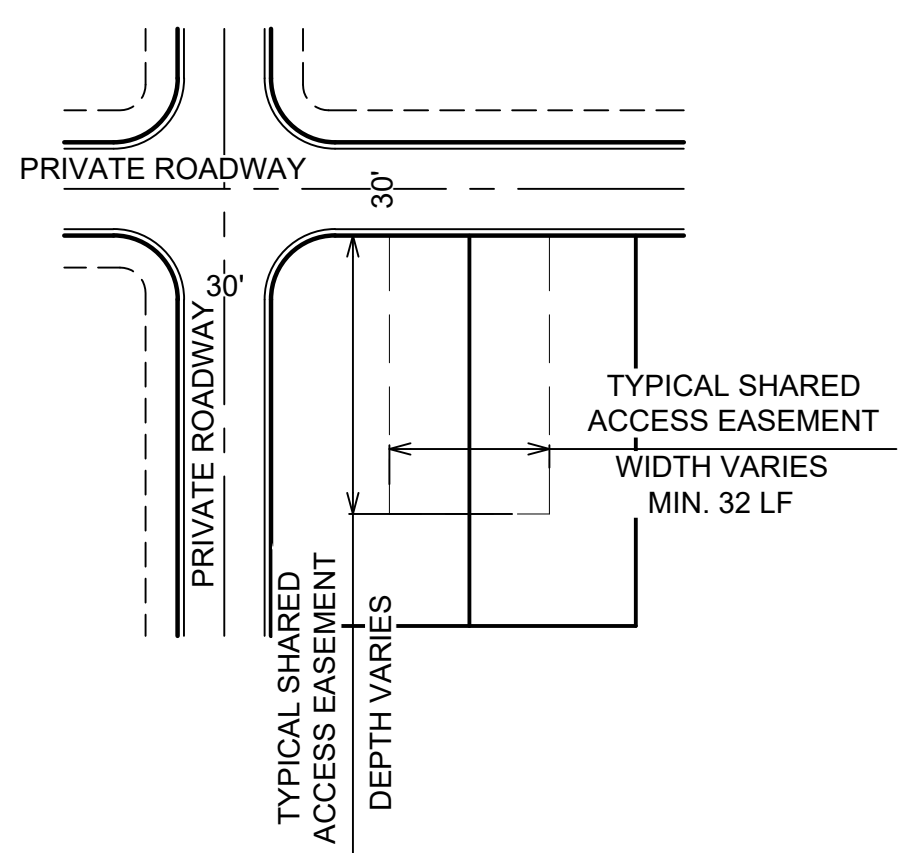
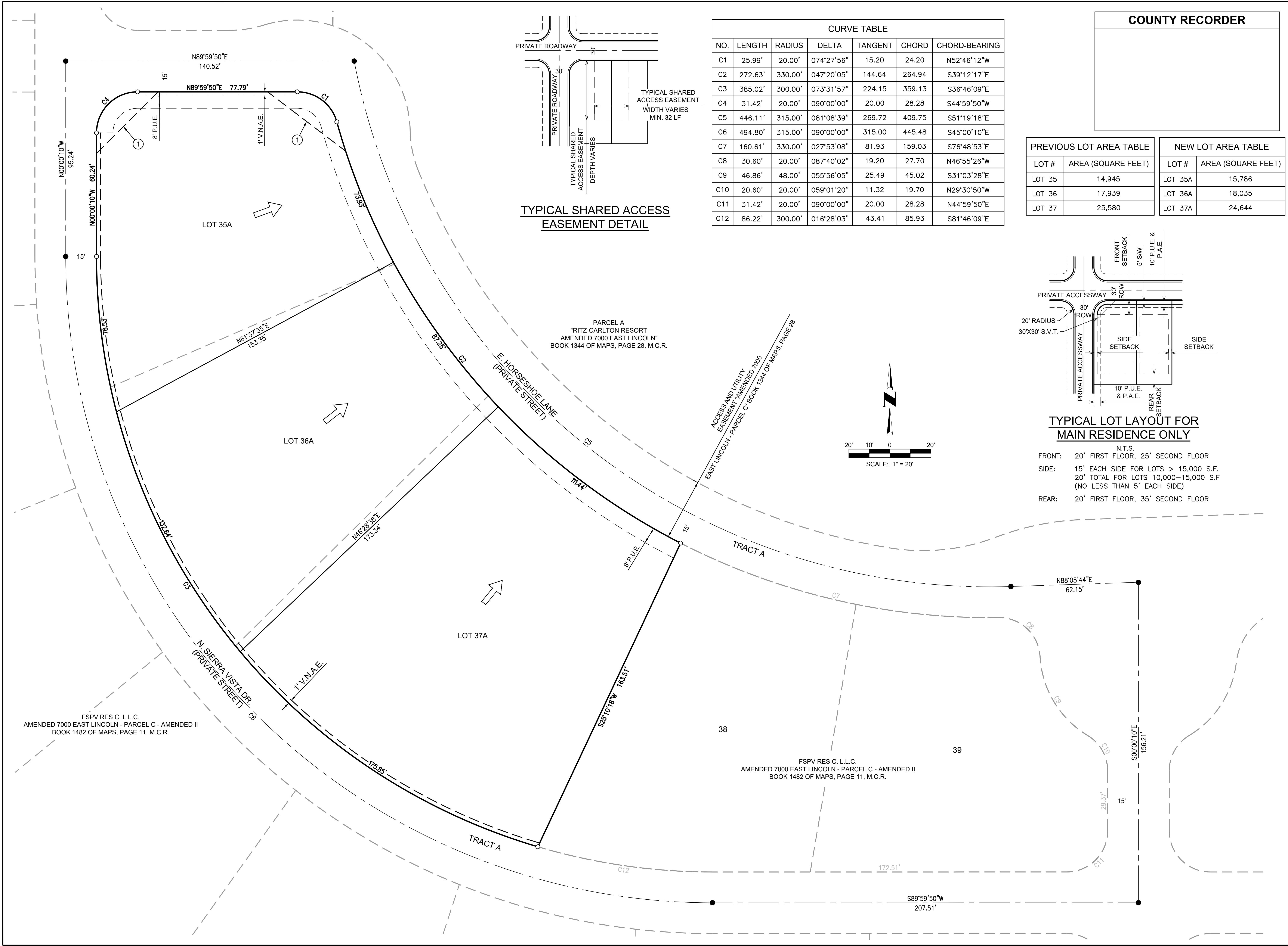
LOT LINE ADJUSTMENT

AMENDED 7000 EAST LINCOLN - PARCEL C  
- AMENDED III  
PARADISE VALLEY, ARIZONA



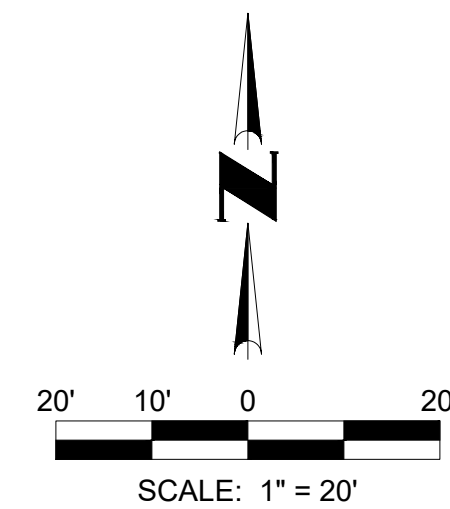
1 SHEET  
OF 2

CVL Contact: HEIDI TILSON  
CVL Project #: 01-0268908  
CVL File #:



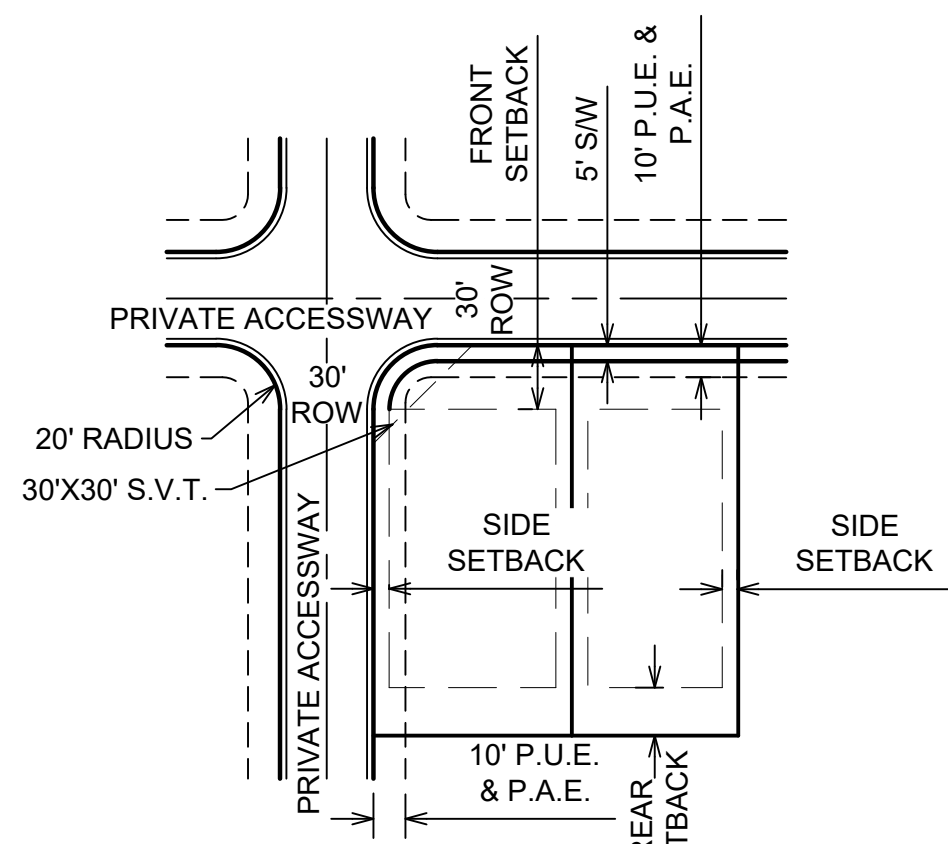
TYPICAL SHARED ACCESS EASEMENT DETAIL

CURVE TABLE						
NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	25.99'	20.00'	074°27'56"	15.20	24.20	N52°46'12"W
C2	272.63'	330.00'	047°20'05"	144.64	264.94	S39°12'17"E
C3	385.02'	300.00'	073°31'57"	224.15	359.13	S36°46'09"E
C4	31.42'	20.00'	090°00'00"	20.00	28.28	S44°59'50"W
C5	446.11'	315.00'	081°08'39"	269.72	409.75	S51°19'18"E
C6	494.80'	315.00'	090°00'00"	315.00	445.48	S45°00'10"E
C7	160.61'	330.00'	027°53'08"	81.93	159.03	S76°48'53"E
C8	30.60'	20.00'	087°40'02"	19.20	27.70	N46°55'26"W
C9	46.86'	48.00'	055°56'05"	25.49	45.02	S31°03'28"E
C10	20.60'	20.00'	059°01'20"	11.32	19.70	N29°30'50"W
C11	31.42'	20.00'	090°00'00"	20.00	28.28	N44°59'50"E
C12	86.22'	300.00'	016°28'03"	43.41	85.93	S81°46'09"E



COUNTY RECORDER

PREVIOUS LOT AREA TABLE		NEW LOT AREA TABLE	
LOT #	AREA (SQUARE FEET)	LOT #	AREA (SQUARE FEET)
LOT 35	14,945	LOT 35A	15,786
LOT 36	17,939	LOT 36A	18,035
LOT 37	25,580	LOT 37A	24,644



TYPICAL LOT LAYOUT FOR MAIN RESIDENCE ONLY

N.T.S.  
FRONT: 20' FIRST FLOOR, 25' SECOND FLOOR  
SIDE: 15' EACH SIDE FOR LOTS > 15,000 S.F.  
20' TOTAL FOR LOTS 10,000-15,000 S.F.  
(NO LESS THAN 5' EACH SIDE)  
REAR: 20' FIRST FLOOR, 35' SECOND FLOOR

4550 North 12th Street  
Phoenix, Arizona 85014  
602-264-6831  
www.cvlci.com

DATE	
REVISION	
NO.	

LOT LINE ADJUSTMENT

AMENDED 7000 EAST LINCOLN - PARCEL C  
- AMENDED III  
PARADISE VALLEY, ARIZONA

2 SHEET OF 2

CVL Contact: HEIDI TILSON  
CVL Project #: 01-0268908  
CVL File #:

Coe & Van Loo Consultants, Inc.

# **TOWN OF PARADISE VALLEY**

Five Star Area C Lot Line Adjustment (LLA-19-06)  
7000 E. Lincoln Drive  
Town Council  
Public Meeting

**January 9, 2020**



# TODAY'S GOAL

---

- Goal:
  - Review & Take Action on Five Star Request for Area C Lot Line Adjustment
- History:
  - Council work study review on December 5, 2019
  - Non-vehicular access easement missing and must be shown on lot line adjustment plat



# VICINITY MAP

Subject Property



January 9, 2020

# SCOPE OF REQUEST

---

- Modify lot lines on Lots 35 – 37
- Property lines shifted to increase size of Lot 35
- Modified lots compliant with SUP:
  - Minimum size of 12,000 sq ft (smallest lot size – 15,786)
  - No change in setback, height, or lot coverage requirements
- Non-administrative land modification which follows final plat process:
  - Requires TC review and approval
  - Must act on lot line adjustment by January 13, 2020

# LLA Plat

5

Existing Lot Lines

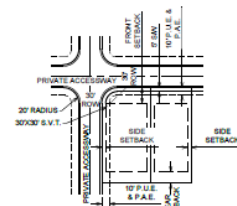
New Lot Lines

TYPICAL SHARED ACCESS  
EASEMENT DETAIL

CURVE TABLE						
NO.	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD-BEARING
C1	25.99'	20.00'	074°27'56"	15.20	24.20	N52°46'12"W
C2	272.63'	330.00'	047°20'05"	144.64	264.94	S39°12'17"E
C3	385.02'	300.00'	073°31'53"	224.15	359.13	S38°46'09"E
C4	31.42'	20.00'	090°00'00"	20.00	28.28	S44°58'50"W
C5	448.11'	315.00'	081°08'36"	269.72	409.75	S51°18'18"E
C6	484.80'	315.00'	090°00'00"	315.00	445.48	S43°00'10"E
C7	180.61'	330.00'	027°53'08"	81.93	159.03	S78°48'53"E
C8	30.60'	20.00'	087°40'02"	18.20	27.70	N46°55'26"W
C9	46.86'	48.00'	050°56'05"	25.49	45.02	S31°03'28"E
C10	28.80'	20.00'	059°01'20"	11.32	19.70	N29°30'50"W
C11	31.42'	20.00'	090°00'00"	20.00	28.28	N44°59'50"E
C12	86.22'	300.00'	016°28'03"	43.41	85.93	S81°46'09"E

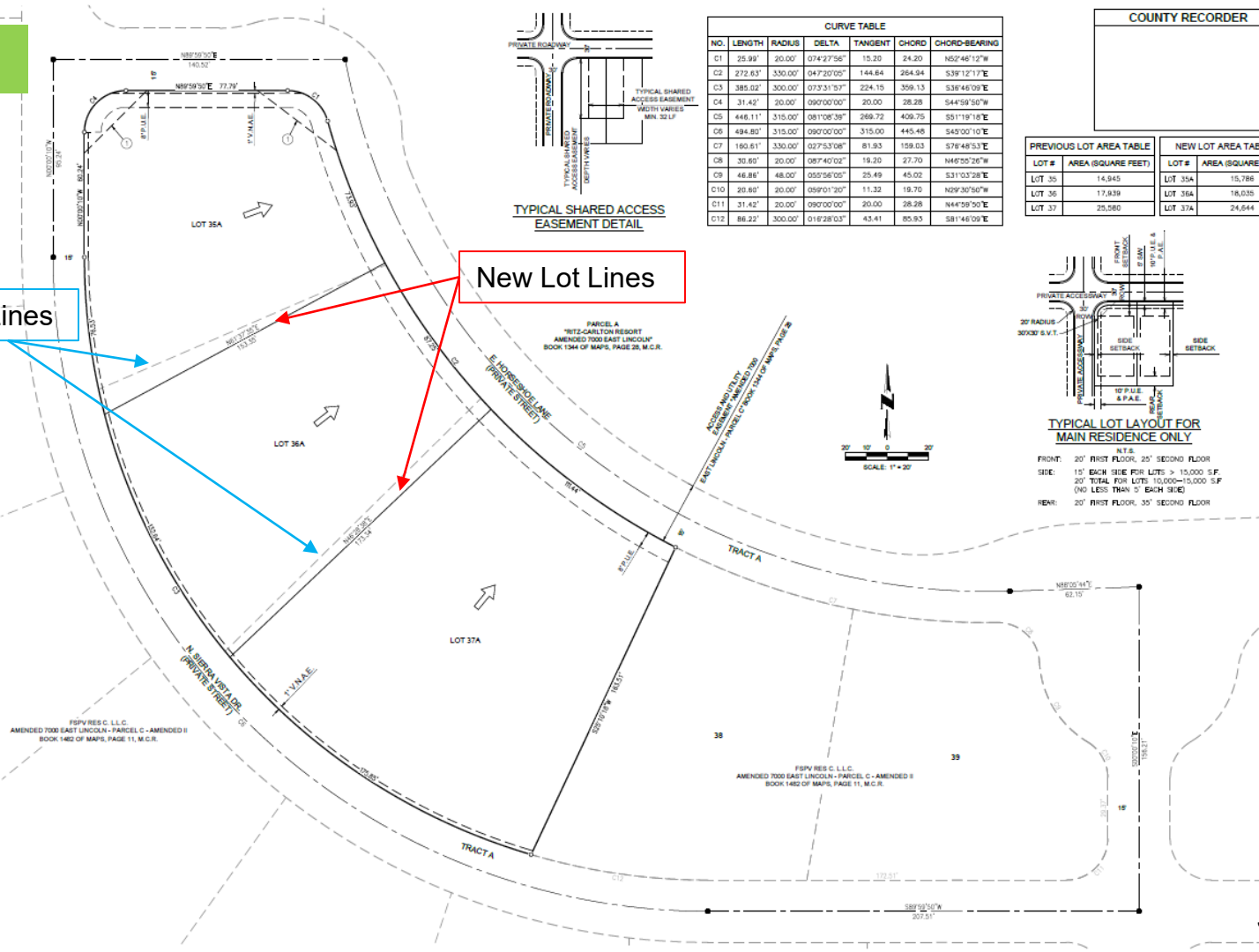
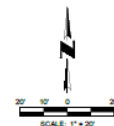
COUNTY RECORDER

PREVIOUS LOT AREA TABLE		NEW LOT AREA TABLE	
LOT #	AREA (SQUARE FEET)	LOT #	AREA (SQUARE FEET)
LOT 35	14,945	LOT 35A	15,786
LOT 36	17,839	LOT 36A	18,035
LOT 37	25,580	LOT 37A	24,644



TYPICAL LOT LAYOUT FOR  
MAIN RESIDENCE ONLY

FRONT: 20' FIRST FLOOR, 20' SECOND FLOOR  
SIDE: 15' EACH SIDE FOR LOTS > 15,000 S.F.  
(NO LESS THAN 5' EACH SIDE)  
REAR: 20' FIRST FLOOR, 30' SECOND FLOOR



January 9, 2020



- [illegible]





## Action Report

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**File #:** 20-014

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**TO:** Mayor Jerry Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Brent Skoglund, Public Works Director  
Jerry Cooper, Public Works Superintendent

**DATE:** January 9, 2020

**DEPARTMENT:**  
Public Works Department

**STAFF CONTACT:**  
Jerry Cooper, Public Works Superintendent 480 348-3589

**AGENDA TITLE:**  
**Implement the FY2019-20 Pavement Maintenance Program by Approving the Funds from Budget Line Item 20-40-871 Pavement Maintenance Program to M.R. Tanner in the amount of \$1,599,526.10**

**RECOMMENDATION:**  
Award the following funds to M.R. Tanner in the amount of **\$1,599,526.10** for a full mill and 1½ asphalt overlay in Maintenance Districts 5 and 13 and to crack seal and apply Polymer Modified Master Seal (PMM) in Maintenance Districts 7 & 8.

**SUMMARY STATEMENT:**  
It is recommended that M.R. Tanner be awarded \$1,599,526.10 to complete the FY2019-20 Pavement Maintenance Program that includes the following projects:

**Maintenance District 5** - It is recommended that this Maintenance District receive a full mill and 1 ½ asphalt overlay on the selected 5.4 linear miles of streets. The streets within in this District have an average Pavement Condition Index (PCI) of 64 which require a full mill and asphalt overlay per the current pavement management program.

**Maintenance District 7** - It is recommended that this Maintenance District receive crack seal and an application of a high-density mineral bond, PMM, on the selected 7.3 linear miles of streets. The selected streets have an average Pavement Condition Index (PCI) of 72 which require crack seal and a PMM surface seal per the current pavement management program.

**Maintenance District 8** - It is recommended that this Maintenance District receive crack seal and an application of a high-density mineral bond, PMM, on the selected 6.9 linear miles of streets. The selected streets have an average Pavement Condition Index (PCI) of 74 which require crack seal and a PMM surface seal per the current pavement management program.

**Maintenance District 13** - It is recommended that E Horseshoe Rd, E Via Los Caballos and N 83<sup>rd</sup> PI receive a full mill and 1 ½ asphalt overlay. These streets within in this District have an average Pavement Condition Index (PCI) of 66 which require a full mill and asphalt overlay per the current pavement management program. These streets were added to this year's project due to the City of Phoenix water main replacement project in maintenance district 5.

**BUDGETARY IMPACT:**

The total cost of the contract \$1,599,526.10, the current budget has allocated \$1,620,000.00 for the Pavement Management Program.

**ATTACHMENT(S):**

1. M.R. Tanner Mill and Overlay Proposal, Crack Seal and High-Density Mineral Bond (PMM) Proposals
2. Power Point Presentation.
3. Project Maps Districts 5, 7, 8 and 13

# M. R. TANNER CONSTRUCTION

## Section 7

Item	Description	Unit	Quantity	Unit Price	Total
1	1½" Asphalt Concrete Pavement LV	SY	-	5.55	-
2	1½" Rubberized Asphalt Concrete Pavement HV	SY	-	7.30	-
3	Asphalt Milling 1½" (full width mill)	SY	-	1.00	-
4	Crack Sealing ¼ inch gap or higher	LBS	64,000.00	1.15	73,600.00
5	Polymer Modified Masterseal (PMM)	SY	129,620.00	0.82	106,288.40
6	Micro Seal (Rubber)	SY	-	2.80	-
7	Masterseal Liquid Road (LMHSS) (Square Yard)	SY	-	1.70	-
8	Manhole Adjustments (Black concrete)	EA	-	415.00	-
9	Hand Valve Adjustments (Black concrete)	EA	-	390.00	-
10	Adjust Survey Monuments (Black concrete)	EA	-	180.00	-
11	Concrete Flatwork (Handicap Ramps)	EA	-	2,600.00	-
12	4" White Paint -Temporary Striping	LF	-	0.15	-
13	4" White Thermo Striping	LF	-	0.40	-
14	6" White Paint -Temporary Striping	LF	-	0.25	-
15	6" White Thermo Striping	LF	-	0.55	-
16	8" White Paint -Temporary Striping	LF	-	0.25	-
17	8" White Thermo Striping	LF	-	0.75	-
18	12" White Paint (cross walks) -Temporary	LF	150.00	0.55	82.50
19	12" White Thermo (cross walks)	LF	150.00	1.75	262.50
20	18" White Paint (Stop Bars) - Temporary	LF	100.00	0.85	85.00
21	18" White Thermo (Stop Bars)	LF	100.00	2.50	250.00
22	Turn Arrows, Paint - Temporary	EA	-	50.00	-
23	Turn Arrows, Thermo	EA	-	115.00	-
24	6ft. Bike Lane Symbols	EA	-	205.00	-
25	RPM's White	EA	-	3.50	-
26	RPM's Yellow	EA	-	3.50	-
27	Blue Fire Hydrant Reflectors	EA	30.00	6.00	180.00
28	Loop Detectors	EA	-	1,782.00	-
29	Speed Humps (includes striping)	EA	-	2,700.00	-
30	Project Signs	EA	8.00	500.00	4,000.00
31	Traffic Control & Barricading	Per Day	15.00	4,500.00	67,500.00
32	Uniformed Officer (Traffic Control)	Hours	-	75.00	-

252,248.40

# M. R. TANNER CONSTRUCTION

## Section 8

Item	Description	Unit	Quantity	Unit Price	Total
1	1½" Asphalt Concrete Pavement LV	SY	-	5.55	-
2	1½" Rubberized Asphalt Concrete Pavement HV	SY	-	7.30	-
3	Asphalt Milling 1½" (full width mill)	SY	-	1.00	-
4	Crack Sealing ¼ inch gap or higher	LBS	52,000.00	1.15	59,800.00
5	Polymer Modified Masterseal (PMM)	SY	113,030.00	0.82	92,684.60
6	Micro Seal (Rubber)	SY	-	2.80	-
7	Masterseal Liquid Road (LMHSS) (Square Yard)	SY	-	1.70	-
8	Manhole Adjustments (Black concrete)	EA	-	415.00	-
9	Hand Valve Adjustments (Black concrete)	EA	-	390.00	-
10	Adjust Survey Monuments (Black concrete)	EA	-	180.00	-
11	Concrete Flatwork (Handicap Ramps)	EA	-	2,600.00	-
12	4" White Paint -Temporary Striping	LF	26,000.00	0.15	3,900.00
13	4" White Thermo Striping	LF	26,000.00	0.40	10,400.00
14	6" White Paint -Temporary Striping	LF	-	0.25	-
15	6" White Thermo Striping	LF	-	0.55	-
16	8" White Paint -Temporary Striping	LF	16,000.00	0.25	4,000.00
17	8" White Thermo Striping	LF	16,000.00	0.75	12,000.00
18	12" White Paint (cross walks) -Temporary	LF	1,300.00	0.55	715.00
19	12" White Thermo (cross walks)	LF	1,300.00	1.75	2,275.00
20	18" White Paint (Stop Bars) - Temporary	LF	550.00	0.85	467.50
21	18" White Thermo (Stop Bars)	LF	550.00	2.50	1,375.00
22	Turn Arrows, Paint - Temporary	EA	5.00	50.00	250.00
23	Turn Arrows, Thermo	EA	5.00	115.00	575.00
24	6ft. Bike Lane Symbols	EA	-	205.00	-
25	RPM's White	EA	1,500.00	3.50	5,250.00
26	RPM's Yellow	EA	1,500.00	3.50	5,250.00
27	Blue Fire Hydrant Reflectors	EA	30.00	6.00	180.00
28	Loop Detectors	EA	-	1,782.00	-
29	Speed Humps (includes striping)	EA	-	2,700.00	-
30	Project Signs	EA	5.00	500.00	2,500.00
31	Traffic Control & Barricading	Per Day	15.00	4,500.00	67,500.00
32	Uniformed Officer (Traffic Control)	Hours	-	75.00	-

269,122.10

# M. R. TANNER CONSTRUCTION

## Section 13

Item	Description	Unit	Quantity	Unit Price	Total
1	1½" Asphalt Concrete Pavement LV	SY	13,663.00	5.55	75,829.65
2	1½" Rubberized Asphalt Concrete Pavement HV	SY	-	7.30	-
3	Asphalt Milling 1½" (full width mill)	SY	13,663.00	1.00	13,663.00
4	Crack Sealing ¼ inch gap or higher	LBS	-	1.15	-
5	Polymer Modified Masterseal (PMM)	SY	-	0.82	-
6	Micro Seal (Rubber)	SY	-	2.80	-
7	Masterseal Liquid Road (LMHSS) (Square Yard)	SY	-	1.70	-
8	Manhole Adjustments (Black concrete)	EA	10.00	415.00	4,150.00
9	Hand Valve Adjustments (Black concrete)	EA	5.00	390.00	1,950.00
10	Adjust Survey Monuments (Black concrete)	EA	10.00	180.00	1,800.00
11	Concrete Flatwork (Handicap Ramps)	EA	-	2,600.00	-
12	4" White Paint -Temporary Striping	LF	-	0.15	-
13	4" White Thermo Striping	LF	-	0.40	-
14	6" White Paint -Temporary Striping	LF	-	0.25	-
15	6" White Thermo Striping	LF	-	0.55	-
16	8" White Paint -Temporary Striping	LF	-	0.25	-
17	8" White Thermo Striping	LF	-	0.75	-
18	12" White Paint (cross walks) -Temporary	LF	-	0.55	-
19	12" White Thermo (cross walks)	LF	-	1.75	-
20	18" White Paint (Stop Bars) - Temporary	LF	-	0.85	-
21	18" White Thermo (Stop Bars)	LF	-	2.50	-
22	Turn Arrows, Paint - Temporary	EA	-	50.00	-
23	Turn Arrows, Thermo	EA	-	115.00	-
24	6ft. Bike Lane Symbols	EA	-	205.00	-
25	RPM's White	EA	-	3.50	-
26	RPM's Yellow	EA	-	3.50	-
27	Blue Fire Hydrant Reflectors	EA	15.00	6.00	90.00
28	Loop Detectors	EA	-	1,782.00	-
29	Speed Humps (includes striping)	EA	-	2,700.00	-
30	Project Signs	EA	1.00	500.00	500.00
31	Traffic Control & Barricading	Per Day	4.00	4,500.00	18,000.00
32	Uniformed Officer (Traffic Control)	Hours	60.00	75.00	4,500.00

120,482.65

# M. R. TANNER CONSTRUCTION

## Section 5

Item	Description	Unit	Quantity	Unit Price	Total
1	1½" Asphalt Concrete Pavement LV	SY	115,325.00	5.55	640,053.75
2	1½" Rubberized Asphalt Concrete Pavement HV	SY	-	7.30	-
3	Asphalt Milling 1½" (full width mill)	SY	115,325.00	1.00	115,325.00
4	Crack Sealing ¼ inch gap or higher	LBS	200.00	1.15	230.00
5	Polymer Modified Masterseal (PMM)	SY	2,060.00	0.82	1,689.20
6	Micro Seal (Rubber)	SY	-	2.80	-
7	Masterseal Liquid Road (LMHSS) (Square Yard)	SY	-	1.70	-
8	Manhole Adjustments (Black concrete)	EA	75.00	415.00	31,125.00
9	Hand Valve Adjustments (Black concrete)	EA	80.00	390.00	31,200.00
10	Adjust Survey Monuments (Black concrete)	EA	45.00	180.00	8,100.00
11	Concrete Flatwork (Handicap Ramps)	EA	-	2,600.00	-
12	4" White Paint -Temporary Striping	LF	-	0.15	-
13	4" White Thermo Striping	LF	-	0.40	-
14	6" White Paint -Temporary Striping	LF	-	0.25	-
15	6" White Thermo Striping	LF	-	0.55	-
16	8" White Paint -Temporary Striping	LF	-	0.25	-
17	8" White Thermo Striping	LF	-	0.75	-
18	12" White Paint (cross walks) -Temporary	LF	-	0.55	-
19	12" White Thermo (cross walks)	LF	-	1.75	-
20	18" White Paint (Stop Bars) - Temporary	LF	-	0.85	-
21	18" White Thermo (Stop Bars)	LF	-	2.50	-
22	Turn Arrows, Paint - Temporary	EA	-	50.00	-
23	Turn Arrows, Thermo	EA	-	115.00	-
24	6ft. Bike Lane Symbols	EA	-	205.00	-
25	RPM's White	EA	-	3.50	-
26	RPM's Yellow	EA	-	3.50	-
27	Blue Fire Hydrant Reflectors	EA	75.00	6.00	450.00
28	Loop Detectors	EA	-	1,782.00	-
29	Speed Humps (includes striping)	EA	-	2,700.00	-
30	Project Signs	EA	10.00	500.00	5,000.00
31	Traffic Control & Barricading	Per Day	26.00	4,500.00	117,000.00
32	Uniformed Officer (Traffic Control)	Hours	100.00	75.00	7,500.00

957,672.95

Total	1,599,526.10
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# **TOWN OF PARADISE VALLEY**

## **Pavement Management: Preserving The Town's Roadways**



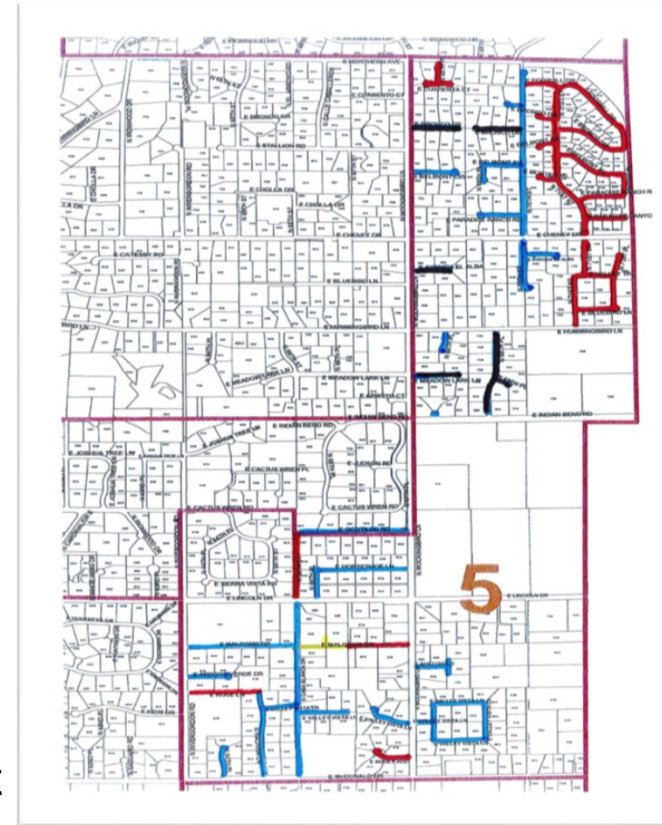
# Purpose of Presentation

- ☐ Approval of Funds for Annual Pavement Preservation Project
- ☐ Maintenance Districts 5, 7, 8 & 13
- ☐ Program Schedule
- ☐ Project Cost Summary
- ☐ Questions



# Maintenance District #5

- ❑ **Boundaries:** Northern Ave south to McDonald Dr and Invergordon Rd east to Scottsdale Rd
- ❑ **Maintenance District #5:** 5.4 linear miles of streets with an average Pavement Condition Index (PCI) rating of 64
- ❑ **Streets Removed from Project:** The streets in black are being pulled due to Phoenix Water Services main replacement project in the summer of 2020
- ❑ **Recommendation:** The streets in this district require a full mill and 1½ asphalt overlay

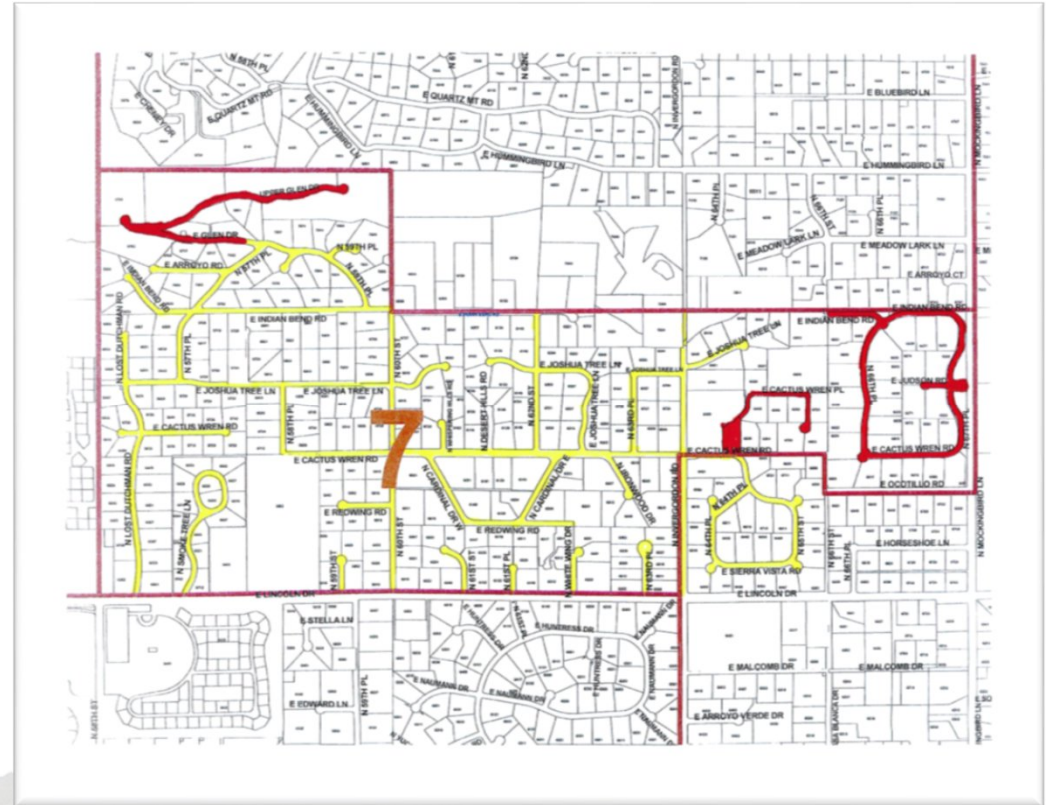


- Streets Receiving a Mill & Overlay
- Private Roads the Town Does Not Maintain
- Streets Pulled From Project



# Maintenance District #7

- ❑ **Boundaries:** Glen Dr south to Lincoln Dr and Lost Dutchman Rd east to Mockingbird Ln
- ❑ **Maintenance Districts #7:** 7.3 linear miles of streets with an average PCI of 72
- ❑ **Recommendation:** The streets in this district require crack seal and high density mineral bond (PMM) surface treatment

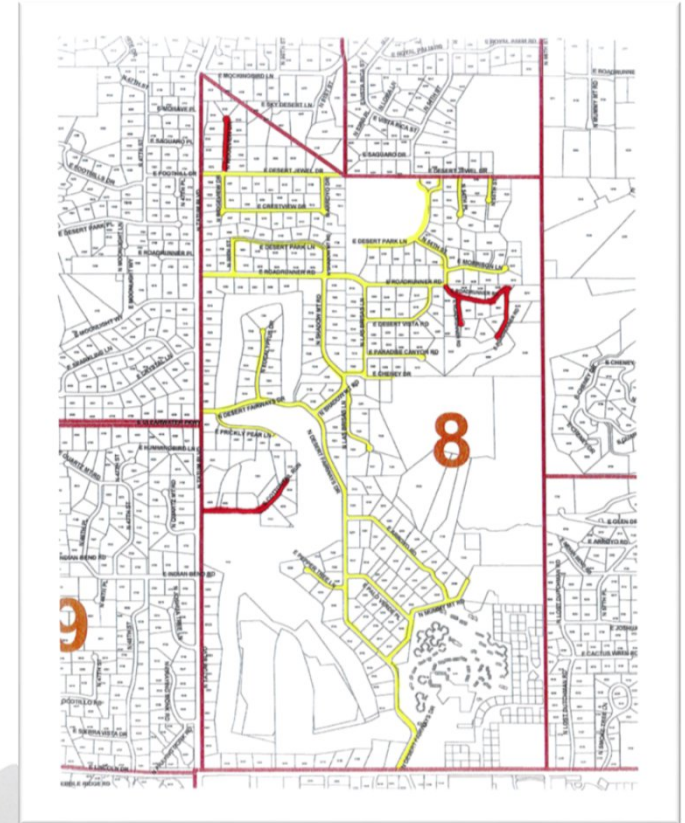



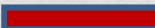
- Crack Seal & Surface Seal
- Streets the Town Does Not Maintain



# Maintenance District #8

- ❑ **Boundaries:** Desert Jewel Dr south to Lincoln Dr and Tatum Blvd east to Desert Fairways Dr
- ❑ **Maintenance District #8:** 6.9 linear miles of streets with an average PCI rating of 74
- ❑ **Recommendation:** The streets in this district require crack seal and high density mineral bond (PMM) surface treatment

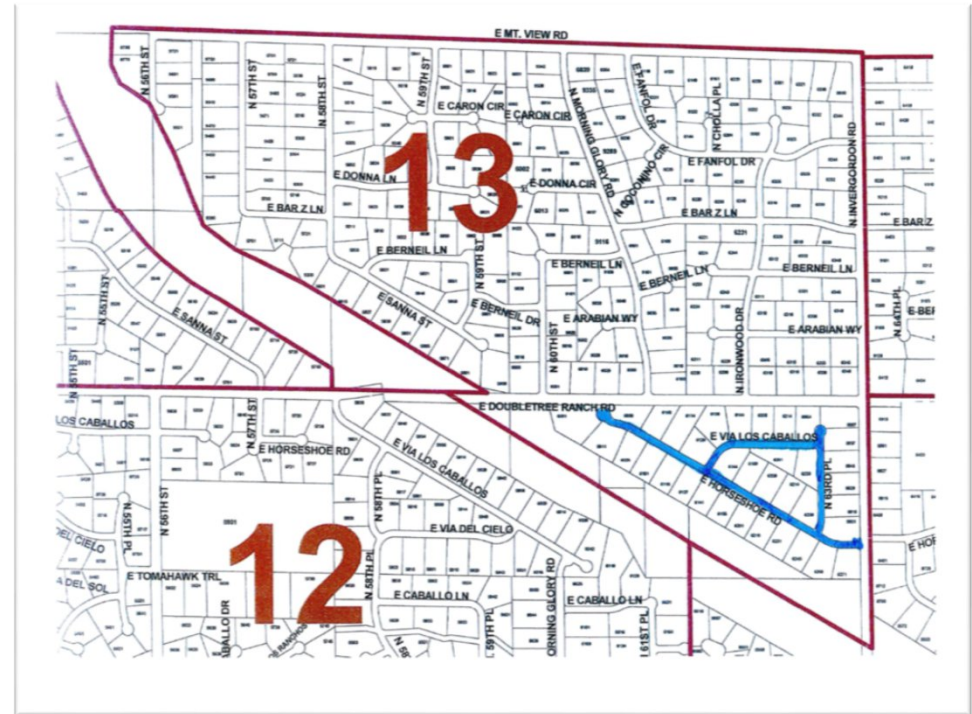


-  Streets Receiving Crack Seal & Surface Seal
-  Private Roads the Town Does Not Maintain



# Maintenance District #13

- ❑ **Maintenance District #13:** In this district Horseshoe Rd, Via Los Caballos and 83<sup>rd</sup> Pl have an average Pavement Condition Index (PCI) rating of 66
- ❑ **Recommendation:** These streets require a full mill and 1½ asphalt overlay



Streets Receiving Mill & Asphalt Overlay



# Installing Conduit While Streets Are Exposed

- ☐ Identify possible conduit installations while streets are exposed during mill and overlay projects.
- ☐ Public Works met with the Information Technology Department to identify possible areas for conduit locations during the mill and overlay project. No locations were identified for conduit installations for this project.
- ☐ Public Works will continue to identify possible conduit installations locations in all future asphalt overlay projects.



# FY19/20 Asphalt Overlay & Surface Seal Schedule

## ☐ Crack seal in Maintenance District 7 & 8:

- ☐ Begin February 2020
- ☐ Estimated completion April 2020

## ☐ Application of surface seal for Maintenance District 7 & 8:

- ☐ Begin April 2020
- ☐ Estimated completion May 2020

## ☐ Maintenance District 5:

- ☐ Begin mill and asphalt overlay in April 2020
- ☐ Estimated completion June 2020



# FY19/20 Costs Summary

- ❑ Cost for Mill & Asphalt Overlay In Maintenance Districts 5 & 13: \$1,078,156.00
- ❑ Cost for Crack Seal & PMM In Maintenance Districts 7 & 8: \$521,371.00
- ❑ Total Combined Project Cost = \$1,599,527.00
- ❑ FY19/20 Pavement Management Budget = \$1,620,000.00



# Questions?





## Action Report

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**File #:** 20-011

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**TO:** Mayor and Town Council

**FROM:** Jill B. Keimach, Town Manager  
Andrew Miller, Town Attorney

**DATE:** January 9, 2020

**CONTACT:**

**AGENDA TITLE:**

Adoption of Ordinance No. 2019-12, Amending Chapter 10, Offenses, by adding Article 10-14, adding a registration requirement by the property owner(s) of short-term rental properties and other related regulations.

**RECOMMENDATION:**

Adopt Ordinance Number 2019-12.

**BACKGROUND:**

On May 21, 2019, Governor Ducey signed HB 2672 (the "Bill"); which made some changes to the prior preemption of cities and towns in the regulation of residential vacation rentals or short-term rentals (STR). A draft ordinance has been prepared that would add a section to the Town Code, Article 10-14, specifically adopting new regulatory measures made available to the Town as a result of removing certain preemptions formerly enacted by the State.

The Bill clarifies that cities and towns can prohibit a STR operator (owner) from using a STR for non-residential purposes including retail, restaurant, banquet space or other similar use. Although the Town has had such rules in force with relation to all single-family properties (Zoning Ordinance §1603 makes it illegal to use a single-family zoned property "as a commercial venue for weddings; luncheons, dinners, auctions, sales or similar events") and has applied such existing regulations to short term rentals previously, the Bill reinforces the Town's enforcement authority in these areas. Thus, proposed Section 10-14-4 incorporates a restriction on non-residential use and incorporates by reference a list of some of the non-residential uses listed in the Bill, which would include restrictions on special events that would require a permit from the Town or retail, restaurant, banquet or similar use.

The Bill also allows cities and towns to require the owner of an STR to provide contact information for someone who is responsible for responding to complaints, with such contact information to be supplied to the Town before offering for rent or renting the STR. Proposed Sections 10-14-2(A) and (B) of Draft Ordinance 2019-12 incorporate both a requirement for STR operators to provide such contact information as well as an emergency contact, should that be a different designated person.

The Bill also allows for municipalities to require that the STR operator's designated contact person respond to complaints in a timely manner. Proposed Section 10-14-2(C) of Draft Ordinance 2019-12 incorporates a requirement that the designated contact person must respond within 2 hours when the police initiate contact while on the scene of an incident at a short term rental and within 24 hours for incidents where the Town contact is initiated after leaving the scene of an incident.

The Bill also authorized the Arizona Department of Revenue (ADOR) to impose additional penalties in some circumstances to STR operators who have been cited by a local government for ordinance violations relating to their STR operations. As a result, the bill requires local governments that issue a citation at a STR property to make a reasonable attempt to notify the owner, or their designee, within seven business days of a citation being issued, but only if contact information has been provided pursuant to a local requirement. Staff has some contact information on STR properties through its past work with third party vendors who assist in identifying STR properties in the Town, but upon enactment of Draft Ordinance 2019-12 staff will be actively seeking to have such contact information provided by the STR operator/owner directly.

The Bill also requires local government to notify ADOR within 30 days of a STR violation being finally adjudicated so that ADOR may issue its mandatory fines for "verified violations." Town staff has worked with the League of Cities and others such that an ADOR "report form" has been prepared and distributed to the cities and towns in Arizona. The Town staff will file this form with ADOR when future code violations have been finally adjudicated (including a "finding of [criminal] guilt or civil responsibility") as ADOR will add a civil penalty against the STR operator for each verified violation, with such penalties starting at \$500 per violation and increasing to \$1,00 for a second violation and \$1,500 for a third and each successive violation.

In summary, Draft Ordinance 2019-12 will allow the Town to adopt the additional provisions authorized by the Bill, including requiring contact information for STR properties, timely responses to complaints, and limiting the use of a STR to residential uses only. It is hoped that these added regulations will help the Town code enforcement officials more readily enforce STR restrictions and assess penalties against STR property owners who violate the new regulations.

**ATTACHMENTS:**

Draft of Ordinance No. 2019-12  
PowerPoint

## ORDINANCE NUMBER 2019-12

### AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY ZONING ORDINANCE, CHAPTER 10, OFFENSES; ADDING A NEW ARTICLE 10-14, SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS; AND PROVIDING FOR PENALTIES

WHEREAS, the Arizona Legislature adopted HB 2672 in the Spring of 2019 and the Governor signed HB 2672 on May 21, 2019; said legislation now providing that cities and towns may adopt regulations requiring short term rental property owners to provide contact information to cities and towns and to respond promptly to complaints, as well as limiting the use of short term rentals to residential uses; and

WHEREAS, the Town Council desires to make revisions to Chapter 10, Offenses, to add a new Article 10-14 to provide that short term rental property owners must provide contact information to the Town and respond promptly to complaints, and to further limit the use of short term rentals to residential uses only.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF  
THE TOWN OF PARADISE VALLEY, ARIZONA:**

Section 1. Chapter 10, Offenses, is hereby amended by adding Article 10-14 (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

#### **Article 10-14 SHORT-TERM RENTALS RESPONSIBLE PARTY REQUIREMENTS AND OTHER VIOLATIONS**

##### **Section 10-14-1 Definitions**

**“Short-term rental” or “vacation rental” means any individually or collectively owned single-family or one-to-four-family house or dwelling unit or any unit or group of units in a condominium, cooperative or timeshare, that is also a transient public lodging establishment or owner-occupied residential home offered for transient use. Short-term rental and vacation rental do not include a unit that is used for any nonresidential use, including retail, restaurant, banquet space, event center or similar use.**

##### **Section 10-14-2 Contact information required; information updates**

- A. Before offering for rent or renting a short-term rental or vacation rental within the Town the owner of a short-term rental or vacation rental shall provide the Town with contact information for the owner or the owner’s designee who is responsible for responding to complaints in a timely manner in person, over the phone or by e-mail at any time of day.**

- B. In addition to the information required above, the owner of a short-term rental or vacation rental shall provide to the Town the name and contact information of a person designated as an emergency contact.**
- C. The owner or the owner's designee is responsible for responding to complaints in a timely manner in person, by telephone, or by e-mail at any time of day or night. For purposes of this section "timely manner" shall mean: 1) within two hours after the initiation of contact with the owner's designee when the contact is made by a police department officer or employee for a complaint or incident that is reported to the police department and for which police officers have been called out to the owner's property due to such complaint or incident and where the police officers are at the owner's property at the time that such contact is initiated; and 2) within twenty four hours after the initiation of contact with the owner's designee when the contact is made by a police department officer or employee or a code enforcement officer for a complaint or incident that is either reported to or directly observed by the police department personnel or a code enforcement officer and for which the police are not at the scene of the complaint or incident at the time that such contact is initiated.**
- D. The Town Manager or designee shall develop the necessary forms and/or database necessary to implement this section.**

**Section 10-14-3      Compliance with laws**

- A. A short-term rental or vacation rental must at all times comply with the federal, state and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing including advertising requirement, property tax registration, traffic control, pollution control, noise, property maintenance, and nuisance abatement.**
- B. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.**

**Section 10-14-4      Non-residential usage by short-term rentals or vacation rentals prohibited**

- A. No short-term rental or vacation rental may be used for any non-residential use or purpose including but not limited to any of the uses listed in ARS § 9-500.39(B)(3).**
- B. No person including an owner or operator shall operate a short-term rental or vacation rental in violation of this section.**

Section 2. Pursuit to Section 1-9-2 of the Town Code, any person found guilty of violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$2,500, or imprisonment not to exceed six months, or by both such fine and imprisonment. Each day that a violation continues shall be a

separate offense punishable as described. Pursuant to Section 1-9-3 of the Town Code, a violation of the provisions of this Code or amendments thereto may also constitute a civil offense, and any person who is served with a citation charging such violation and who admits or is found responsible for such offense shall be liable to pay to the Town a civil sanction in an amount not to exceed seven hundred fifty dollars. Each day that a violation continues shall be a separate offense punishable as described.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of these amendments to the Town Code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

Section 4. In accordance with Article II, Sections 1 and 2, constitution of Arizona, the Town Council has considered the individual property rights and personal liberties of the residents of the Town before adopting this ordinance.

Section 5. This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

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Jerry Bien-Willner, Mayor

ATTEST:

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Duncan Miller, Town Clerk

APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney

# **TOWN OF PARADISE VALLEY**

**Short Term and Vacation Rental Property  
Regulations - as authorized by HB 2672**

**Town Council Meeting**

**January 9, 2020**



## Key Question

- Does the Council desire to adopt an Ordinance adding additional regulations relating to residential vacation rentals or short-term rentals as authorized by HB 2672?



# House Bill 2672

- During the 2019 Legislative Session, the State Legislature passed HB 2672. This bill made some small changes to the authority that cities and towns have in the regulation of residential vacation rentals or short-term rentals (STR)
- HB 2672 clarifies that cities and towns can prohibit a STR operator (owner) from using a STR for non-residential purposes, including retail, restaurant, banquet space or other similar use
- It also allows cities and towns to require that before offering for rent or renting a STR the owner of a STR must provide contact information for someone who is responsible for responding to complaints
- And HB 2672 also provides for provisions that require the contact person to respond to complaints in a timely manner



# House Bill 2672 & AZ Dept. of Revenue

- HB 2672 also authorized the Arizona Department of Revenue (ADOR) to impose additional penalties in some circumstances (for “verified violations”) to STR operators who have been cited by a local government for ordinance violations relating to their STR operations
- The bill requires local governments that issue a citation at an STR to make a reasonable attempt to notify the owner, or their designee, within seven business days of a citation being issued, but only if contact information has been provided pursuant to a local requirement
- HB 2672 requires local government to notify ADOR within 30 days of certain STR violations being finally adjudicated; each a verified violation
- Thereafter ADOR will take such verified violations and assess penalties against the owner for each such verified violations; with penalties starting at \$500 for first violation; and \$1,000 for a 2<sup>nd</sup> and \$1,500 for a 3<sup>rd</sup> and subsequent violations occurring in a 12 month period



# The Ordinance

- Some municipalities have adopted provisions in their municipal codes that set forth the authority by HB 2672
- The proposed draft Ordinance will allow the Town to adopt the additional provisions authorized by HB 2672 to help code enforcement officials more easily enforce such provisions
- The draft ordinance will incorporate provisions that require STR owners to identify a contact person; and failure to do such will be a violation of the Town Code and punishable as such
- It also requires responses to complaints in a “timely manner”:
  - Within 2 hours for an incident where the police or “on scene” (at the STR property) at the time of the attempted contact with the contact person
  - Within 24 hours where the attempted first contact is made subsequent to the police (or code enforcement officer) leaving the scene (STR property)



# The Ordinance

- The Ordinance includes a provision that STRs must comply with all federal, state and local laws, rules and regulations related to public health, safety, sanitation, solid waste, hazardous waste, tax privilege licensing (including advertising requirements), property tax registration, traffic control, pollution control, noise, property maintenance, and nuisance abatement
- Failure to comply with other state laws may be chargeable by the Town, such as the failure to obtain a transaction privilege tax license or to post that license number on all online listings for the STR
- The Ordinance also makes any violation punishable either as a criminal misdemeanor or a civil offense; with the charging decision by the police or code enforcement officer typically being related to the gravity of the particular offense and/or repeat offenses by the STR



## Key Question

- Does the Council desire to adopt an Ordinance adding additional regulations relating to residential vacation rentals or short-term rentals as authorized by HB 2672?



# Questions/Comments?





## Action Report

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**File #:** 20-004

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Duncan Miller, Town Clerk

**DATE:** January 9, 2020

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Election of Vice Mayor

**RECOMMENDATION:**  
Elect a Council Member to serve as vice mayor for calendar year 2020.

**SUMMARY STATEMENT:**

Paradise Valley Town Code Section 2-2-2 states that, "At the first regular meeting in January of each year, the Council shall designate one of its members as Vice Mayor, subject to a term limit of no more than 2 consecutive yearly terms for any individual member."

The powers and duties of the Vice Mayor are:

- A. In the absence of the Mayor, the Vice Mayor shall execute the duties of Mayor.
- B. The Vice Mayor shall serve as the Council's liaison to the Planning Commission.
- C. The Vice Mayor shall be responsible for coordinating the annual performance reviews for the Town Manager and Town Attorney.

**Process to Elect the Vice Mayor**

1. The Mayor will open the floor for nominations. Seconding a nomination is not required
2. The Mayor will close nominations
3. The nominee(s) will make their remarks
4. The Council will discuss the nominees
5. The Mayor will call for a roll call vote unless only one member has been nominated in which case a motion to elect the member by acclamation is in order.
6. The newly elected vice mayor will take the oath of office



## Action Report

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**File #:** 20-025

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill B. Keimach, Town Manager  
Duncan Miller, Town Clerk

**DEPARTMENT:** Town Manager

**AGENDA TITLE:**  
Consideration of Requests for Future Agenda Items

**Council Goals or Other Policies / Statutory Requirements:**  
Resolution 2018-09: Town Council Rules of Procedure

**RECOMMENDATION:**  
Review the current list of pending agenda topics.

**SUMMARY STATEMENT:**  
Attached is the most recent Town Council Study Session Topic Schedule. Pursuant to the Council's Rules and Procedures, as adopted by Resolution Number 2018-09, any member of the Council may move to have the Town Manager add an item to a future agenda. Upon concurrence of two or more Council Members, which may include the Mayor, the item will be added to the pre-business meeting study session agenda within the next two regularly scheduled Town Council meetings.

Discussion on the motion to add an item to a future agenda shall be limited to the propriety of placing the item on an agenda and shall not include discussion on the merits of the topic itself.

**BUDGETARY IMPACT:**  
None

**ATTACHMENT(S):**  
Future agenda topics schedule

# TOWN COUNCIL STUDY SESSION TOPIC SCHEDULE

**January 3, 2020**

01/23	01/30	02/13	02/27
<b>3 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>• Discussion of Plant Preservation Guidelines</li> <li>• Amend Town Code – Definition of Fill Under the Pad</li> <li>• Cox &amp; CenturyLink Video Services License Agreement</li> <li>• Discussion with members of Planning Commission, Board of Adjustment, Hillside Committee</li> </ul> <b>EXECUTIVE SESSION</b> <ul style="list-style-type: none"> <li>• Sanitary Sewer System</li> </ul> <b>PLEDGE LEADER</b> <b>PRESENTATION</b> <ul style="list-style-type: none"> <li>• Donation of Car Show Proceeds</li> <li>• PV Arts Board Update</li> <li>• ACOPS Update</li> </ul> <b>CONSENT</b> <b>PUBLIC HEARING</b> <b>ACTION ITEMS</b> <ul style="list-style-type: none"> <li>• Amend Town Code Regarding Transactional Approvals</li> <li>• Transit Funding (ALF Funds)</li> </ul> <b>STUDY SESSION CONTINUED</b> <ul style="list-style-type: none"> <li>• ACOPS Staggered Terms</li> <li>• Amend Section 13-3 Fireworks</li> <li>• Super Bowl Funding Request</li> <li>• Customer Service &amp; Cost Savings Program</li> </ul>	<p style="text-align: center;"><b>COUNCIL RETREAT</b>  <b>8:30 AM – 4 PM</b>  <b>Town Hall Community Room</b></p>	<b>3 PM STUDY SESSION</b> <ul style="list-style-type: none"> <li>• Alarm Monitoring Service Enhancements</li> <li>• Hillside Safety Manual</li> <li>• Ambulance RFP</li> <li>• Public Works Building Design</li> <li>• Financial Management Policy</li> <li>• Investment Policy</li> <li>• Lincoln Median Island Designs</li> <li>• Smoke Tree Resort SUP</li> </ul> <b>EXECUTIVE SESSION</b> <b>PLEDGE LEADER</b> <b>PRESENTATION</b> <b>CONSENT</b> <b>PUBLIC HEARING</b> <b>ACTION ITEMS</b> <ul style="list-style-type: none"> <li>• Cox Video Services License Agreement</li> <li>• CenturyLink Video Services License Agreement</li> <li>• Ordinance Section 13-3 Fireworks</li> <li>• Resolution – ACOPS Staggered Terms</li> <li>• Super Bowl Host Committee Agreement</li> </ul> <b>STUDY SESSION CONTINUED</b> Committee Volunteer Interviews	<b>3 PM STUDY SESSION</b>  <b>EXECUTIVE SESSION</b> <b>PLEDGE LEADER</b> <b>PRESENTATION</b> <b>CONSENT</b>  <b>PUBLIC HEARING</b> <b>ACTION ITEMS</b>  <b>STUDY SESSION CONTINUED</b> Committee Volunteer Interviews and ranking

03/12	03/26	04/09	04/23
3 PM STUDY SESSION	3 PM STUDY SESSION	3 PM STUDY SESSION	3 PM STUDY SESSION
<b>EXECUTIVE SESSION</b>	<b>EXECUTIVE SESSION</b>	<b>EXECUTIVE SESSION</b>	<b>EXECUTIVE SESSION</b>
<b>PLEDGE LEADER</b>	<b>PLEDGE LEADER</b>	<b>PLEDGE LEADER</b>	<b>PLEDGE LEADER</b>
<b>PRESENTATION</b>	<b>PRESENTATION</b>	<b>PRESENTATION</b>	<b>PRESENTATION</b>
<b>CONSENT</b>	<b>CONSENT</b>	<b>CONSENT</b>	<b>CONSENT</b>
	<ul style="list-style-type: none"> <li>• Appointments to Committees, Commissions, and Boards</li> </ul>		
<b>PUBLIC HEARING</b>	<b>PUBLIC HEARING</b>	<b>PUBLIC HEARING</b>	<b>PUBLIC HEARING</b>
<b>ACTION ITEMS</b>	<b>ACTION ITEMS</b>	<b>ACTION ITEMS</b>	<b>ACTION ITEMS</b>
<b>STUDY SESSION CONTINUED</b>	<b>STUDY SESSION CONTINUED</b>	<b>STUDY SESSION CONTINUED</b>	<b>STUDY SESSION CONTINUED</b>

**Items to be scheduled**

- Cell Service Task Force Update
- Mayor's Education Forum

- MCI Wireless Proposal
- Ordinance – Amending Chapter 12 Municipal Court
- Training Manual for Commission and Boards
- Legislative Event
- Scooter/Bike Share Policy
- Council Minutes Policy



## Action Report

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**File #:** 20-022

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Douglas Allen, CPA

**DATE:** January 9, 2020

**DEPARTMENT:** Finance

**AGENDA TITLE:**

**Discussion on the Designation of State Funding for Public Transit Programs**

**SUMMARY STATEMENT:**

The Town is eligible to continue receiving state shared revenues including "Arizona Lottery Funds" ("ALF"). ALF is restricted to be used for public transportation only. Historically, the Town has used ALF for Trolley services, bus stop maintenance and refurbishing, and trip reduction programs.

Town staff is reviewing ride share voucher programs with the grant administrator and are considering a "bus bay evaluation" project.

The proposed bus bay evaluation project "consists of evaluation of bus bays improvements at two locations on McDonald Drive and two location on Tatum Boulevard near Roadrunner and Sunset. The evaluation includes conceptual design of bus bays at the locations provided by the Town, defining impacts, cost estimating both design and construction for programming purposes, and coordination with Town staff."

**FY2019 funding:** The Town has ALF funding carried over from last fiscal year; of which \$12,924 needs to be designated and spent by June 30, 2020 or be reverted.

**FY2020 funding:** A grant report stating the Town's intended to use ALF is due by the end of January. It is estimated that \$24,000 needs Council designation, or direction to staff to not request 2020 funding.

On November 7<sup>th</sup> and 21<sup>st</sup>, Council resumed discussion regarding the Town's ALF funds. Based on Council's feedback, staff has researched options. Staff will present the current status and be available for questions and receive direction.

Action on allocating ALF is scheduled for the Council meeting on January 23<sup>rd</sup>.

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**File #:** 20-022

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**ATTACHMENT(S):**

01 Presentation

02 LTAF II Guidelines

# **PUBLIC TRANSIT**

## **ARIZONA LOTTERY FUNDS (ALF)**



**January 9<sup>th</sup>, 2020**

## ALF FY2019/20

## Grant Reporting

\$21,424 Carried from FY2019\*  
( 7,500) Less trip reduction FY2020  
( 1,000) Less bus stop maintenance  
\$12,924 Use or lose by **June 2020**

\$38,000 Est. new revenue FY2020\*\*  
( 2,500) Less trip reduction FY2020  
( 7,500) Less trip reduction FY2021  
( 4,000) Less bus stop maintenance  
\$24,000 Designate or lose by **January 2020**;  
then use or lose by June 2021

### NEW Option “shovel ready”:

Bus bay evaluation: Contractual services for \$4,940; completed by June 2020

Scope: conceptual design, defining impacts, and costs estimates

### Options being reviewed:

Sidewalks: Curb cuts potentially sidewalks to access bus stops (\$ and timing TBD)

Uber / Lyft vouchers to trailheads: Vouchers allowed; review for trailheads requested



\*Based on the 2019 audit,  
bus maintenance did not occur in 2019 as  
anticipated in the budget(s)

\*\* estimated based on previous years and AZ league

## ALF FY2019/20

## Preliminary Recommendation

To secure the grant funding while program options are reviewed

Authorize use (grant reporting) for:

- ☒ Trip reduction
- ☒ Bus stop repair and maintenance
- ☐ Bus bay evaluation, design and construction \*
- ☐ Ride share vouchers program\*\*

\*\*\* Confirm Council's:  
Voucher Program Goal  
Other uses?

If voucher program can meet Council goals and grant requirements

Bring program scope to Council for consideration and

Implement ride share program for trailheads, medical services and resorts \*\*\*

If voucher program will **NOT** meet Council goals or grant requirements:

During the FY2021 budget process, repurpose the use of ALF or revert to grantor



\* Future Town Council action is required before any bus bay construction

\*\* the program is being reviewed and would require Council action before implementing



January 9<sup>th</sup>, 2020

## **LTAf II PROGRAM GUIDELINES AND ELIGIBLE RECIPIENTS AND EXPENDITURES FOR PUBLIC TRANSPORTATION**

### **INTRODUCTION AND GUIDELINES**

Due to state budget cuts this program was discontinued earlier this year. This being the final distribution of LTAf II funding in the amount of \$5,366,000.00, which reflects collected funds from July 2009 – February 2010.

According to legislation enacted in 1998, cities, towns, and counties that receive \$2,500.00 or more in Local Transportation Assistance Fund II (LTAf II) funding annually are required to use the funding for public transportation. Additionally, a city, town, or county may enter into an agreement with a federally recognized Indian tribe for maintaining or operating public transit service provided by the Tribal government. Following is a general outline of eligible expenditures and recipients related to LTAf II funding.

As related to LTAf II, public transportation is defined as any service, vehicle(s), or support facility for a vehicle(s), intended for the purpose of conveying multiple passengers (i.e. typically 5 or more) and which meets applicable state and federal safety and accessibility laws, rules, and regulations. The definition also includes the planning and administrative support for such services. It is the intent of the legislation to provide funds to communities and counties for the purpose of providing transportation service that is open to the following populations (further defined in the Glossary):

- The general public;
- Elderly persons;
- Persons with disabilities;
- Welfare recipients and "low-income" persons engaged in employment activities.

LTAf II funding is distributed directly to cities, towns, and counties in Arizona. Once the distribution is received by the jurisdiction, eligible entities to provide public transportation include:

- Cities, towns, and counties and other governmental entities;
- Federally recognized Tribal Governments;
- Private, not-for-profit agencies;
- Private, for-profit transportation providers to the general public, elderly, persons with disabilities, welfare recipients and low-income persons needing transportation for work related activities.

This eligibility does not typically include "community service organizations" which are not open to the general public, or which do not otherwise provide special-needs or low-income/welfare-to-work employment transportation service for employment purposes.

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Some "special needs," "dial-a-ride," or other demand-responsive or carpool vehicles may have capacity of less than 5 passengers, and include vehicle types such as sedans or station wagons. In the event such a vehicle is used for transit purposes, it should have appropriate external identification.

In order for a "community service organization" to receive assistance from LTAF II funds, its *primary focus* in the provision of transportation service must be to the general public and/or one of the specific groups noted above (i.e., it cannot provide "exclusive" service which limits by charter or other governing condition, scheduling, routing, capacity or other restrictions, availability to one or more of these groups).

In the case of private, not-for-profit agencies and private, for-profit transportation providers, the city, town, or county receiving the LTAF II funding must enter into a contract or grant agreement with the proposed operator to provide the transportation service that is approved by its governing body. The contract and/or grant agreement, accompanied by Board or Council resolution, must be available to ADOT as evidence of the agreement.

The funding is intended to be used within or proximate to the community or county receiving the LTAF II distribution. Jurisdictions may enter into agreements to share LTAF II funding to provide eligible public transportation services across jurisdictional boundaries in order to meet the mutual public transportation needs of the communities involved. Additionally, the funds may be utilized to provide "vouchers" or other remuneration for services rendered to for-profit transportation companies when there is clear evidence that the service is for the general public, special-needs population, or "low-income" and "welfare to work" employment services.<sup>2</sup>

LTAF II projects must conform to a regional transportation plan. Additionally, use of LTAF II funding implies that all applicable state and federal Civil Rights statutes are to be complied with in the provision of transportation services rendered with these funds, including but not limited to, Title VI of the Civil Rights Act (as amended) and the Americans with Disabilities Act (as amended). It is the responsibility of the LTAF II jurisdiction in receipt of the funds and any end-use (grant or subcontract) recipient to be familiar with all portions of State and Federal Motor Vehicle Safety Standards, Motor Carrier, and Motor Vehicle Division regulation requirements, restrictions, and conditions.

Continuing from previous years' statutory requirements, the locally-sourced matching fund ratios are as follows, and may not be comprised of all-or-partial federal funds:

For jurisdictions greater than 50,000 in population: 1:1 ratio or 100% of the grant amount, a.k.a. 50/50, the latter referring to 50% of the combined grant amount and minimum required local contribution. Example: A grant of \$100 needs to be matched by \$100 in local funds.

For jurisdictions less than 50,000 in population: 25% of the grant amount. A \$100 grant is matched with at least \$25 in locally-sourced funds. Additional local funds provided are an "over-match."

## **2 Year Expenditure Limit & Waiver**

Funds distributed to eligible counties, and incorporated cities and towns must be utilized within a two-year timeframe. For example, LTAF II distributions received in SFY 2011 must be expended on or before February 28, 2013. LTAF II funding is distributed on an annual basis to cities, towns, and counties. In the instance an entity has not, or does not expect to, expend all of its funds within this timeframe, it must submit a letter to ADOT requesting a waiver if it wishes to retain those funds. **Waivers are granted for a maximum one (1) year**

**extension.** Granting of waivers is not automatic and requests are subject to ADOT or other State review. If an entity does not request a waiver—or otherwise does not meet the two-year expenditure limit—unspent funds are subject to remittance to the State Treasurer's Office to be redistributed into the statewide fund.

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When LTAF II funds are utilized as vouchers or other remuneration for services, the grant recipients must document what conditions are placed on the provision of services, such as detail of fare structure, hours of operation, service area, eligible passengers, etc.

## **LTAF II ELIGIBLE PUBLIC TRANSPORTATION EXPENDITURES**

### **Planning and Training Related Expenses**

LTAF II funding may be used for transit planning studies or portions of planning studies focused on transit planning needs for the community. Additionally transit training activities are eligible. Included in this category are:

- Short and long range transit related plans and programs to develop, implement, or enhance transit patronage;
- Transit training for activities related to transit procurement and operations; and
- Transit related memberships in organizations and associations associated with transit activities.

### **Capital Expenses**

Capital expenses include the acquisition, construction and improvement of public transit facilities and equipment needed for a safe, efficient and coordinated public transportation system. Examples of eligible capital expenditures include, but are not limited to:

- Buses;
- Vans or other paratransit vehicles;
- Light and rapid rail construction projects;
- Radios and communications equipment;
- Passenger shelters, bus stop signs, and similar passenger amenities;
- Bus "turn-out" lanes or bays;
- Wheelchair lifts and restraints;
- Vehicle rehabilitation, remanufacture, or overhaul;
- Storage and/or maintenance facility designed and used to house transit vehicles or equipment;<sup>3</sup>
- Car and van pooling vehicles;
- Extended warranties which do not exceed the industry standard;
- Operational support such as computer hardware or software;
- Installation costs; vehicle procurement, testing, inspection and acceptance costs;
- Construction or rehabilitation of transit facilities including design, engineering and land acquisition;
- Facilities to provide access for bicycles to transit facilities or equipment for transporting bicycles on transit vehicles;
- Lease of equipment or facilities when lease is more cost effective than purchase;
- The capital portion of costs for service provided under contract. Such costs are commonly referred to as the "capital cost of contracting" and include depreciation, interest on facilities and equipment, as well as those allowable capital costs that would otherwise be incurred directly, including maintenance;
- Transit related intelligent transportation systems, (e.g. passenger information kiosks, scheduling technology, vehicle locator or tracking systems, and road and weather information systems).

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<sup>3</sup> In order for a storage or maintenance facility or equipment to be eligible for LTAF II funding, their use must be primarily for "transit-specific" activities. A maintenance garage or parking lot that is used primarily for street maintenance equipment but occasionally services public transit vehicles would not be eligible unless the recipient agency's budget line-item specifically allocates a prescribed portion to transit use.

### **Operating Expenses**

Operating expenses are considered those costs directly related to system operations. At a minimum, the following items are considered operating expenses:

- Fuel and oil for vehicles;
- Drivers' salaries and fringe benefits;
- Dispatcher salaries and fringe benefits;
- Licenses;
- Insurance
- Space rental (appropriate to transit related operations)
- Maintenance may be treated as either operating or capital for funding purposes.

### **Other Eligible Expenses**

Additional expenses related to public transportation are also eligible for LTAF II funding. The eligible expenses include:

- Marketing and administration of Transportation Demand Management (TDM) programs to encourage reductions in travel and promote alternative modes of travel. Such programs would include:
  - Carpooling and vanpooling
  - Transit usage
  - Walking and bicycling<sup>4</sup>
  - Alternative work schedules
- Marketing to advertise and/or promote transit service in the service area.
- Expenses related to financial reporting requirements related to LTAF II.

### **Exceptions**

If the grant recipient or end-use provider has a situation that varies from the eligible recipients and expenditures outlined above, it must contact ADOT to seek clarification regarding eligibility. Additionally, notification to the respective COG/MPO/RPTA apprising them of the request should occur.

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<sup>4</sup> Does not include the construction of bicycle or pedestrian facilities, such as sidewalks or bike lanes.

## **GLOSSARY OF TERMS**

**LTAf II -- Local Transportation Assistance Fund II (LTAf II)** is legislated funding derived from Powerball lottery revenues and provides for additional public transportation funding in Arizona. HB 2565 is the original enabling legislation that governed the first two years of the LTAf II program (1999 and 2000). SB 1556, enacted in 2000, modifies HB 2565 with the primary intent being the application of more of the funding to transit use. Up until the SFY 2002 distribution, the majority of funding for the LTAf II program was derived from vehicle license tax (VLT) revenues. HB 2329 was passed in 2000 and replaced the VLT input with state general fund revenues.

This distribution reflects collected moneys from July 2009 – February 2010. Due to state budget cuts this program was discontinued in 2010, this being the final distribution in the amount of \$5,366,000.00 in 2011.

**General public** - Describes all individuals, regardless of age, race, minority status or physical or mental condition.<sup>1</sup>

**Elderly persons** - Describes persons who are 60 years of age or older.<sup>1</sup>

**Persons with disabilities** - Typically describes individuals with irreparable or otherwise chronic, long-term physical or mental impairments that impede significant life functions. As the term is used here, a "disability" does not typically imply or involve temporary or otherwise non-recurrent injury or impairment due to accident or illness.<sup>2</sup>

Programs funded by LTAf II which are focused on persons with disabilities may provide service to the general public as well as to welfare recipients and low income employment activities when service to these populations does not have a detrimental impact on service to its primary clientele group (i.e. scheduling, routing or documented conflict concerns regarding clientele-mix, as determined by the operator, within federal civil rights parameters).

**Public Transportation or Transit** - For the purposes of these application materials and the LTAf II Program in general, the terms "Public Transportation" and "Transit" are interchangeable.

**Welfare Recipient and Low Income Employment Activities** - Describes service which is oriented to persons who are either welfare recipients or are under the federally

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<sup>1</sup>A provider may place conditions on passenger age if it can document that it is not generally appropriate to its clientele group (such as a senior program), or cannot provide service to that individual(s) in a safe and responsive manner. An example of such a condition may be that service to a child under a specific age cannot be provided unless a travel assistant or guardian accompanies him/her. All operating policies should be spelled out by the provider in a transportation service policy or guidelines document. <sup>2</sup>Situations may arise where it is permissible for a service provider to refuse to provide transportation to an individual(s). One such condition is when it can be documented that service cannot be provided in a safe and responsible manner to the individual(s), the passengers, or the driver/operator – based on an assessment of the individual's condition and/or behavior or driver/operator's skills and capabilities. See the Americans With Disabilities Act (ADA) for further detail on what limitations may be placed on boarding refusals or operator-initiated de-boarding actions en route. Also see the ADA for other limitations or

defined "low income" threshold (see following definitions), who require transportation to government or privately-sponsored employment or employment programs, including but not limited to traditional "welfare-to-work" programs such as Access to Jobs, Temporary Assistance To Needy Families (TANF), etc.

**Welfare Recipient**--An individual who receives or received aid or assistance under a state program funded under Part A of Title IV of the Social Security Act (whether in effect before or after the effective date of the amendments made by Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193); (110 Stat. 2110)) at any time during the three-year period before the date on which the applicant applies for a grant.

**Low-Income Individual**--An individual whose family income is at or below 150 percent of the poverty line (as that term is defined in Section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) including any revisions required by that section for a family of the size involved, as calculated by HHS. The 1999 guidelines were published in the March 18, 1999, (Volume 64, Number 52) Federal Register, page 13428-13430, and are available on the web at [<http://www.aoa.gov/network/99hhspov.html>].

required or otherwise advised service conditions such as service animals, medical equipment such as oxygen tanks, travel companions or assistants, etc.



## Action Report

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**File #:** 20-024

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**TO:** Mayor Bien-Willner and Town Council Members

**FROM:** Jill Keimach, Town Manager  
Douglas Allen, CPA

**DATE:** January 9, 2020

**DEPARTMENT:** Finance

**AGENDA TITLE:**

**Discussion on amending Town code to clarify offices and transaction approvals**

**SUMMARY STATEMENT:**

**REQUESTED ACTION**

Council's direction for possible code amendments for consideration on January 23<sup>rd</sup>. The amendments are intended to align Town code with organizational structure changes and maintain an adequate number of available check signers for continuity of operations.

**PURPOSE**

The purpose of the proposed code amendments is to align Town code with recent organizational structure changes by establishing the office of Chief Information Officer and maintain an adequate number of check signers for continuity of operations.

In December 2019, the Town's Organization structure was modified. Table 1 below shows some of the impacted functions and the department responsible for providing those services. Changes in the Town's organization structure and code are not necessarily always synonymous; autonomous changes do occur.

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Table 1: Changes in department structures

Function / Service	Per Budget Documents - at Selected Dates				
	30-Jun-2009	09-Jul-2009	11-Jun-2015	31-May-2018	09-Jan-2020
<b>Finance</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to the Town Manager	Finance Department
<b>Information Technology</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to Deputy Town Manager	<b>Information Technology Department</b>
<b>Town Clerk</b>	Management Services Department	Finance Department	Town Manager's Office	Town Manager's Office	Town Manager's Office
<b>Post Office</b>	Management Services Department	Finance Department	Community Development	Community Development	Town Manager's Office
<b>Alarm Support</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Police Department	Police Department
<b>Engineering</b>	Engineering Department	Community Development Department	Public Works Department	Engineering Department	Community Development Department

## TOWN OFFICES

Section 3-1-2 of the Town Code establishes offices in the Town government. Below are the proposed changes for Council's consideration. The proposed change is to remove the Deputy Town Manager and add the Chief Information Officer. This would be the first inclusion of the Chief Information Officer as an office. Table 2 below show changes to the Town offices section of Town Code since 2009.

### Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

Table 2: Town offices

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-1-2: Additional Offices				
-	-	-	Deputy Town Manager	-
Police Chief	Police Chief	Police Chief	Police Chief	Police Chief
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Chief Financial Officer	Chief Financial Officer
Public Works Director	Public Works Director	Public Works Director	Public Works Director	Public Works Director
Planning and Building Director	Community Development Director	Community Development Director	Community Development Director	Community Development Director
Town Engineer	Town Engineer	Town Engineer	Town Engineer	Town Engineer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator
-	-	-	-	Chief Information Officer

## AUTHORITY TO SIGN CHECKS

Section 3-2-6(N)(1)(2) of the Town Code authorizes specific positions to sign Town checks. Below are the proposed amendments for Council's consideration. The proposed change reverts back to the Chief Financial Officer ("CFO") being an authorized check signer and helps ensure adequate check signers are available when needed.

Table 3 below shows that various titles for the position serving as the Director responsible for the Finance Department have been an authorized check signer. In May 2018, the Chief Financial Officer replaced the Director of Administration and Government Affairs in all sections of Town code except for check signing. The Deputy Town Manager was authorized for check signing.

1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.

Table 3: Authority to sign checks

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-2-6 (N1): Powers & Duties; Authority to Sign Checks; \$25,000 or less				
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
3-2-6 (N2): Powers & Duties; Authority to Sign Checks; greater than \$25,000				
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer

The attached file titled "03 Adopted 2018-12 Amend Chapter 3 Administration May 2018" is a highlighted red-line version of code amendments adopted May 2018.

## INTERNAL CONTROLS

Internal controls for procurement are in Town Code Section 3-8-3 and the Town's administrative procurement procedures. The Town's auditors had validated this proposed code amendment would not create an internal control concern.

## OTHER MUNICIPALITIES

Table 4 summarizes the results of a survey conducted by the Town's Finance department. The common theme of respondents was:

- Limited check signers;
- Same signers for all thresholds;
- Use of electronic signatures; and
- Emphasis on their strong internal controls.

Table 4: Survey respondents

Municipality	Authorized Check Signers									Threshold Method
	#1		#2		#3		#4		#5	
Phoenix	City Manager	and	City Clerk	-	-	-	-	-	-	All Checks Electronic
Scottsdale	Mayor	or	Treasurer / Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Tempe	Deputy City Manager	and	Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Buckeye	Mayor	and	City Manager	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Yuma (County)	Board Chair	and	Clerk of the Board	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Paradise Valley	Town Manager	or	Mayor	or	Vice Mayor	or	Deputy Town Manager	or	Town Clerk	\$25,000 Requires two Electronic
Paradise Valley	Mayor	and / or	Vice Mayor	if "or" then one of	Town Manager	or	Deputy Town Manager	-	-	Greater than \$25,000 Manual Signature
Most municipalities emphasis their strong internal controls										

## REQUESTED ACTION

Council's direction for possible code amendments for consideration on January 23<sup>rd</sup>. The amendments are intended to align Town code with organizational structure changes and maintain an adequate number of available check signers for continuity of operations.

## FUTURE CONSIDERATION

As part of a broader initiative to examine the Town's financial processes and internal controls, staff may bring other options for checks and other financial transactions for Council's consideration later in the year.

## DOCUMENTS

Documents provided with the agenda item include the presentation slides, proposed code amendments for Council's consideration and direction, and a highlighted red-line version of code amendments adopted in May 2018.

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**File #:** 20-024

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**ATTACHMENT(S):**

01\_Presentation - Proposed Chapter 3 Amendments January 2020  
02\_Proposed 2020-01 Amend Chapter 3 Administration January 2020  
03\_Adopted 2018-12 Amend Chapter 3 Administration May 2018

# **TOWN CODE CHAPTER 3**

## **OFFICES AND CHECK SIGNERS**



**January 9<sup>th</sup>, 2020**

## Requested Action

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### Requested Action

Direction for possible code amendments for consideration on January 23rd

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### Purpose of amendment

Align Town code with recent organizational structure changes by:

- ✓ Establishing the office of Chief Information Officer and
  - ✓ Maintaining an adequate number of check signers for continuity of operations
- 

### Organization structure changes in December 2019

Changes in the Town's organization structure and code are not necessarily always synonymous; autonomous changes do occur. The two proposed changes above are being presented related to December 2019's restructure.



# Table 1: Changes in structure

## AMENDMENT #1

Function / Service	Per Budget Documents - at Selected Dates				
	30-Jun-2009	09-Jul-2009	11-Jun-2015	31-May-2018	09-Jan-2020
<b>Finance</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to the Town Manager	Finance Department
<b>Information Technology</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Division Reporting to Deputy Town Manager	<b>Information Technology Department</b>
<b>Town Clerk</b>	Management Services Department	Finance Department	Town Manager's Office	Town Manager's Office	Town Manager's Office
<b>Post Office</b>	Management Services Department	Finance Department	Community Development	Community Development	Town Manager's Office
<b>Alarm Support</b>	Management Services Department	Finance Department	Department of Administration and Government Affairs	Police Department	Police Department
<b>Engineering</b>	Engineering Department	Community Development Department	Public Works Department	Engineering Department	Community Development Department



# Proposed Code: Additional Offices      AMENDMENT #1

## Section 3-1-2      Additional Offices      446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of ~~Deputy Town Manager~~, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.



# Table 2: Town offices

# AMENDMENT #1

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-1-2: Additional Offices				
-	-	-	Deputy Town Manager	-
Police Chief	Police Chief	Police Chief	Police Chief	Police Chief
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Chief Financial Officer	Chief Financial Officer
Public Works Director	Public Works Director	Public Works Director	Public Works Director	Public Works Director
Planning and Building Director	Community Development Director	Community Development Director	Community Development Director	Community Development Director
Town Engineer	Town Engineer	Town Engineer	Town Engineer	Town Engineer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator	Zoning Administrator
-	-	-	-	Chief Information Officer



## Proposed Code: Authority to Sign

## AMENDMENT #2

- N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623
1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
  2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.



## Table 3: Authority to sign checks

## AMENDMENT #2

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-2-6 (N1): Powers & Duties; Authority to Sign Checks; \$25,000 or less				
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer
Town Clerk	Town Clerk	Town Clerk	Town Clerk	Town Clerk
3-2-6 (N2): Powers & Duties; Authority to Sign Checks; greater than \$25,000				
Mayor	Mayor	Mayor	Mayor	Mayor
Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor	Vice Mayor
Town Manager	Town Manager	Town Manager	Town Manager	Town Manager
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Deputy Town Manager	Chief Financial Officer



# Table 4: Survey respondents

## AMENDMENT #2

Municipality	Authorized Check Signers									Threshold Method
	#1		#2		#3		#4		#5	
Phoenix	City Manager	and	City Clerk	-	-	-	-	-	-	All Checks Electronic
Scottsdale	Mayor	or	Treasurer / Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Tempe	Deputy City Manager	and	Chief Financial Officer	-	-	-	-	-	-	All Checks Electronic
Buckeye	Mayor	and	City Manager	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Yuma (County)	Board Chair	and	Clerk of the Board	or	Chief Financial Officer	-	-	-	-	All Checks Electronic
Paradise Valley	Town Manager	or	Mayor	or	Vice Mayor	or	Deputy Town Manager	or	Town Clerk	\$25,000 Requires two Electronic
Paradise Valley	Mayor	and / or	Vice Mayor	if "or" then one of	Town Manager	or	Deputy Town Manager	-	-	Greater than \$25,000 Manual Signature
Most municipalities emphasis their strong internal controls										



1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Deputy Town Manager**, Mayor, Vice Mayor, or Town Clerk ~~Director of Administration and Governmental Affairs~~ are authorized to sign and countersign. ~~During any period of absence of the Town Manager or the Budget and Finance Director the Town Clerk shall have the same authority to sign and countersign checks as the Town Manager and the Budget and Finance respectively.~~
  2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by either the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Director of Administration and Government Affairs~~ **Deputy Town Manager**.
- E. ~~Treasurer.~~ The Clerk shall delegate the duties of treasurer of the Town to the ~~Director of Administration and Government Affairs,~~ **Chief Financial Officer**, who shall have the care, control and custody of the money of the Town. **The Chief Financial Officer shall also be designated, pursuant to A.R.S. § 41-1279.07(E), to submit the Expenditure Limitation Report to the Office of the Auditor General.**



# Table 5: Other sections

# RETAIN FROM MAY 2018

Code at 30-Jun-2009	Code Changes Effective			Proposed 09-Jan-2020
	09-Jul-2009	11-Jun-2015	31-May-2018	
3-3-1E: Clerk delegation of Treasurer duties				
Town Clerk  Management Services Director	Town Clerk  Budget and Finance Director	Town Clerk  Director of Administration and Government Affairs	Town Clerk  Chief Financial Officer	Town Clerk  Chief Financial Officer
3-3-1E: Delegation of to submit the Expenditure Limitation Report				
-	-	-	Chief Financial Officer	Chief Financial Officer
3-3-2: Police Chief (Town Marshal); assigning tax collection duties				
Town Marshal  Management Services Director	Town Marshal  Budget and Finance Director	Town Marshal  Director of Administration and Government Affairs	Town Marshal  Chief Financial Officer	Town Marshal  Chief Financial Officer
8-8-7B: Additional provisions; Approval of Permits				
Management Services Director	Town Clerk	Town Clerk	Town Clerk	Town Clerk
12-3-5C: Court Enhancement Fund				
Management Services Director	Budget and Finance Director	Director of Administration and Government Affairs	Chief Financial Officer	Chief Financial Officer



## Prepare possible code changes

## Requested Direction

Section 3-1-2      Additional Offices      446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

# #1

# #2

N.      Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623

1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.



# **TOWN CODE CHAPTER 3**

## **OFFICES AND CHECK SIGNERS**



**January 9<sup>th</sup>, 2020**

## ORDINANCE NUMBER 2020-TBD

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, CHAPTER 3, ARTICLE 3-1, SECTION 3-1-2, AND ARTICLE 3-2, SECTION 3-2-6 (N)(1-2); ALL CHANGES TO CLARIFY OFFICES AND TRANSACTION APPROVALS FOR THE DEPUTY TOWN MANAGER, CHIEF FINANCIAL OFFICER AND ADDING THE CHIEF INFORMATION OFFICER

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Article 3-1, Offices in General, Section 3-1-2, is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

### CHAPTER 3 ADMINISTRATION

Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of ~~Deputy Town Manager~~, Police Chief, Chief Financial Officer, Public Works Director, Community Development Director, Town Engineer, Town Clerk, Town Zoning Administrator and **Chief Information Officer** shall be performed by person(s) appointed or designated by the Town Manager.

Section 2. Article 3-2, Town Manager, Section 3-2-6 (N)(1-2), is hereby amended (with deletions shown as ~~strikethroughs~~ and additions shown in **bold type**):

Section 3-2-6 Powers and Duties 447 463 465 488 579 584 599 623

The Town Manager shall be the Chief Administrative Officer of the government of the Town under the direction and control of the Mayor and Council except as otherwise provided in this chapter. He shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following subsections:

- A. General Administrative Supervision. Execute on behalf of the Mayor and Council general administrative supervision and control of the affairs of the Town, and enforce the provisions of this Code.

- B. Appointment and Removal of Officers and Employees. Appoint, remove, suspend, promote, and demote appointive officers and employees of the Town. He may recommend appointment and removal of the Attorney, and Magistrate. The power of appointment and removal of officers and employees is subject to all applicable ordinances, personnel rules, and regulations.
- C. Attendance at Council Meetings. Attend meetings of the Town Council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services, or activities under his supervision upon which the Council shall be informed.
- D. Coordination of Administrative Functions. Coordinate the administrative functions and operations of the various departments, boards, divisions, and services of the Town government, and on its behalf carry out policies, rules, regulations, and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions, or services.
- E. Budget. Cause to be prepared and submitted to him by each department, board, division, or service of the Town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Town Council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers, or changes in any of the items included in all preliminary budget.
- F. Purchasing. Supervise the expenditures of all departments, divisions, or services of the Town government and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment, and material which may be required for any of such departments, divisions, or services, in compliance with Article 3-8 of this Code (Procurement and Materials Management). <sup>87 447</sup>
- G. Recommendations to Council. Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof, and make such recommendations to the Town Council with reference thereto, as in his judgment will result, if made effective, in the highest degree of efficiency in the overall operation of the Town government.
- H. Development of Improvement Projects and Programs. Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion.
- I. Public Relations. Serve as a public relations officer of the Town government, and follow through and endeavor to adjust all complaints filed against any employee, department, or service thereof to the end that every effort may be made to satisfy all citizens that their Town government is being operated in their behalf with the highest degree of efficiency.

- J. Community Organizations. Cooperate with all community organizations whose aim and purpose it is to advance the spiritual and material interests of the Town and its residents to provide them with all reasonable assistance obtainable through the Town government within the limitations of the law.
- K. Personal Property of Town. Make and keep an up-to-date inventory of all personal property owned by the Town and recommend to the Town Council the purchase of new machinery, equipment, and supplies whenever, in his judgment, the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use.
- L. Consolidation, Abolishment, Etc., of Town Offices. Make, or cause to be made, studies and surveys of the duties, responsibilities, and work of the personnel in the various departments and services of the Town government, and to recommend to the Town Council abolition or consolidation of positions whenever in his judgment, such action would increase efficiency in the administration of the Town government.
- M. Devotion of Time to Duties. Devote such time to his duties as shall be prescribed by the Town Council in the resolution authorizing his employment.
- N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623
1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Chief Financial Officer** ~~Deputy Town Manager~~, Mayor, Vice Mayor, or Town Clerk are authorized to sign and countersign.
  2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Deputy Town Manager~~ **Chief Financial Officer**.
- O. Additional Duties. Perform such other duties as may be required of him by the Mayor and Town Council, not inconsistent with the laws of the State or the ordinances of the Town.

Section 5: This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona,  
this 9<sup>th</sup> day of January 2020.

\_\_\_\_\_  
Jerry Bien-Willner, Mayor

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2020.

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew M. Miller, Town Attorney

GREEN HIGHLIGHTED = Proposed to retain

YELLOW HIGHLIGHTED = Proposed to change in Ordinance 2020-01

## ORDINANCE NUMBER 2018-12

AN ORDINANCE OF THE TOWN OF PARADISE VALLEY, ARIZONA AMENDING THE PARADISE VALLEY TOWN CODE, CHAPTER 3, ARTICLE 3-1, SECTION 3-1-2, ARTICLE 3-2, SECTION 3-2-6 (N)(1-2), ARTICLE 3-3, SECTION 3-3-1 (E), SECTION 3-3-2 AND CHAPTER 12, ARTICLE 12-4, SECTION 12-4-3(C); ALL SUCH CHANGES NEEDED TO CLARIFY THE CHANGE OF TITLE FOR THE DIRECTOR OF ADMINISTRATION AND GOVERNMENT AFFAIRS TO CHIEF FINANCIAL OFFICER

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF PARADISE VALLEY, ARIZONA:

Section 1. Article 3-1, Offices in General, Section 3-1-2, is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

### CHAPTER 3 ADMINISTRATION

#### Section 3-1-2 Additional Offices 446 614 623

The Council or Manager may create and remove from time to time such other offices as deemed necessary and that are not provided for in this Code or State statute. The duties of the offices of **Deputy Town Manager**, Police Chief, ~~Director of Administration and Government Affairs~~, **Chief Financial Officer**, Public Works Director, Community Development Director, Town Engineer, Town Clerk, and Town Zoning Administrator shall be performed by person(s) appointed or designated by the Town Manager.

Section 2. Article 3-2, Town Manager, Section 3-2-6 (N)(1-2), is hereby amended (with deletions shown as ~~striketroughs~~ and additions shown in **bold type**):

#### Section 3-2-6 Powers and Duties 447 463 465 488 579 584 599 623

The Town Manager shall be the Chief Administrative Officer of the government of the Town under the direction and control of the Mayor and Council except as otherwise provided in this chapter. He shall be responsible to the Mayor and Council for the proper administration of all affairs of the Town. In addition to his general powers as administrative head and not as a limitation thereon, it shall be his duty and he shall have the powers set forth in the following subsections:

- A. General Administrative Supervision. Execute on behalf of the Mayor and Council general administrative supervision and control of the affairs of the Town, and enforce the provisions of this Code.
- B. Appointment and Removal of Officers and Employees. Appoint, remove, suspend, promote, and demote appointive officers and employees of the Town. He may recommend appointment and removal of the Attorney, and Magistrate. The power of appointment and removal of officers and employees is subject to all applicable ordinances, personnel rules, and regulations.
- C. Attendance at Council Meetings. Attend meetings of the Town Council with the duty of reporting on or discussing any matter concerning the affairs of the departments, boards, services, or activities under his supervision upon which the Council shall be informed.
- D. Coordination of Administrative Functions. Coordinate the administrative functions and operations of the various departments, boards, divisions, and services of the Town government, and on its behalf carry out policies, rules, regulations, and ordinances adopted by it, relating to the administration of the affairs of such departments, boards, divisions, or services.
- E. Budget. Cause to be prepared and submitted to him by each department, board, division, or service of the Town government, itemized annual estimates of expenditures required by them for capital outlay, salaries, wages, and miscellaneous operating costs, to tabulate the same into a preliminary consolidated municipal budget and submit the same to the Town Council annually on the date specified by them, with his recommendations as to any increases, decreases, cancellations, transfers, or changes in any of the items included in all preliminary budget.
- F. Purchasing. Supervise the expenditures of all departments, divisions, or services of the Town government and act as purchasing agent for the purchase of all supplies, goods, wares, merchandise, equipment, and material which may be required for any of such departments, divisions, or services, in compliance with Article 3-8 of this Code (Procurement and Materials Management). <sup>87 447</sup>
- G. Recommendations to Council. Analyze and supervise the functions, duties, and activities of the various departments, boards, and services of the Town government and of all employees thereof, and make such recommendations to the Town Council with reference thereto, as in his judgment will result, if made effective, in the highest degree of efficiency in the overall operation of the Town government.
- H. Development of Improvement Projects and Programs. Develop and organize necessary improvement projects and programs and aid and assist the Council and the various departments and boards in carrying the same through to a successful conclusion.
- I. Public Relations. Serve as a public relations officer of the Town government, and follow through and endeavor to adjust all complaints filed against any employee, department, or

service thereof to the end that every effort may be made to satisfy all citizens that their Town government is being operated in their behalf with the highest degree of efficiency.

- J. Community Organizations. Cooperate with all community organizations whose aim and purpose it is to advance the spiritual and material interests of the Town and its residents to provide them with all reasonable assistance obtainable through the Town government within the limitations of the law.
- K. Personal Property of Town. Make and keep an up-to-date inventory of all personal property owned by the Town and recommend to the Town Council the purchase of new machinery, equipment, and supplies whenever, in his judgment, the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use.
- L. Consolidation, Abolishment, Etc., of Town Offices. Make, or cause to be made, studies and surveys of the duties, responsibilities, and work of the personnel in the various departments and services of the Town government, and to recommend to the Town Council abolition or consolidation of positions whenever in his judgment, such action would increase efficiency in the administration of the Town government.
- M. Devotion of Time to Duties. Devote such time to his duties as shall be prescribed by the Town Council in the resolution authorizing his employment.
- N. Authority to Sign Town Checks. Town warrants, which shall be in the form of checks drawn on the Town's bank account or accounts issued by order of the Mayor and Council shall be signed as follows: 463 465 488 579 584 599 623
  - 1. For any amount that is twenty-five thousand dollars (\$25,000) or less, any combination of the Town Manager, **Deputy Town Manager**, Mayor, Vice Mayor, or Town Clerk ~~Director of Administration and Governmental Affairs~~ are authorized to sign and countersign. ~~During any period of absence of the Town Manager or the Budget and Finance Director the Town Clerk shall have the same authority to sign and countersign checks as the Town Manager and the Budget and Finance respectively.~~
  - 2. For any amount greater than twenty-five thousand dollars (\$25,000), checks shall be signed by ~~either~~ the Mayor and Vice Mayor, or by one of them with countersignature by either the Town Manager or the ~~Director of Administration and Government Affairs~~ **Deputy Town Manager**.
- O. Additional Duties. Perform such other duties as may be required of him by the Mayor and Town Council, not inconsistent with the laws of the State or the ordinances of the Town.

Section 3. Article 3-3, Other Offices, Section 3-3-1(E) and Section 3-3-2, are hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

Section 3-3-1 Clerk <sup>12 13 14 449 579 623</sup>

- A. Records. The Clerk shall keep a true and correct copy of all business transacted by the Council and any other records that either pertain to the business of the Town or that the Council directs. The Clerk shall number, plainly label, and file separately in a suitable cabinet all resolutions, notices, deeds, surveys, leases, paid and unpaid vouchers, inventories, letters, orders, and other documents of whatever nature.
- B. Public Inspection of Records. The Clerk shall keep convenient for public inspection all public records and public documents under his control, as provided by State statute.
- C. Minutes. The Clerk shall prepare or cause to be prepared all minutes of Council proceedings and ensure their correctness and accuracy.
- D. Ordinances, Resolutions, Budgets, and Notices. The Clerk shall process, record, file, publish, and post ordinances resolutions, budgets, and notices in accordance with state statutes. <sup>449</sup>
- E. Treasurer. The Clerk shall delegate the duties of treasurer of the Town to the **Director of Administration and Government Affairs, Chief Financial Officer**, who shall have the care, control and custody of the money of the Town. **The Chief Financial Officer shall also be designated, pursuant to A.R.S. § 41-1279.07(E), to submit the Expenditure Limitation Report to the Office of the Auditor General.**
- F. Election Official. The Clerk shall be the Town election official and perform those duties required by State statute.
- G. Licenses. The Clerk shall issue or cause to be issued all licenses that may be prescribed by State statute or this Code.
- H. The Town Clerk shall have a formal Seal of Office, and this Seal of Office, when stamped upon or affixed to any Town document or record, shall be prima facie evidence that such a Town document or record is genuine and authentic, and a Town document or record certified as provided by this subsection shall be admissible in any judicial or administrative proceeding without further foundation. <sup>13</sup>
- I. At any meeting of the Town Council, the Town Clerk may administer an oath to tell the truth to any person who wishes to speak to or present evidence to the Council, **as provided by Section 2-4-5 (D) of this Code.**

Section 3-3-2 Police Chief <sup>614 623</sup>

The Police Chief shall also be appointed as the Town Marshal, and as Town Marshal, shall assign all duties related to the collection of taxes to the **Director of Administration and Government Affairs, Chief Financial Officer**. The Police Chief shall be responsible to the Town

Manager for the proper administration of the law enforcement department. In addition to his general powers as administrative head, the Police Chief shall:

- A. Be responsible for the enforcement of all Town of Paradise Valley ordinances and laws of the State and the nation which provide for police enforcement.
- B. Recommend appointment, discharge, or suspension of all employees of the department to the Town Manager.
- C. Conduct investigations as required or necessary.

Section 4. Article 12-4, General Responsibilities of the Presiding Judge, Section 12-4-3(C), is hereby amended (with deletions shown as ~~strike throughs~~ and additions shown in **bold type**):

Section 12-4-3      Court Enhancement Fee

- A. There is created a Court Enhancement Fund, which shall be used exclusively to enhance the staffing, technology, security or facilities of the Municipal Court.
- B. The Court Enhancement Fund shall be funded by a Court Enhancement Fee applied per charge, which shall be applied by the Municipal Court on all fines, sanctions, penalties and assessments imposed by the Municipal Court. The fee shall also apply to court administrative fees and process service fees.
- C. The Court Enhancement Fund shall be established as a designated fund account with the Budget and Finance Director. The Municipal Court shall collect Court Enhancement Fees and deposit them in the Court Enhancement Fund account. **The Director of Administration and Government Affairs Chief Financial Officer** shall invest the monies in the fund in the same manner as Town funds. Interest earned on fund monies shall be deposited in the fund.
- D. The Municipal Court shall administer, through the annual budget process of the Town of Paradise Valley, and may make expenditures from the Court Enhancement Fund for the purposes provided in this section. Monies from the fund shall supplement monies already provided for the Municipal Court for the general purposes stated in this section.
- E. The Municipal Court shall annually submit to the Town Manager a report detailing the amount of money collected and expended during the reporting period and the progress made in court enhancement.

Section 5: This ordinance shall become effective in the manner provided by law.

PASSED AND ADOPTED by the Mayor and Council of the Town of Paradise Valley, Arizona, this 31<sup>st</sup> day of May, 2018.

\_\_\_\_\_  
Michael Collins, Mayor

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2018.

ATTEST:

\_\_\_\_\_  
Duncan Miller, Town Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Andrew M. Miller, Town Attorney